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Commercial Fishing Compensation Program

Introduction

- Legislation in May 1999 established a compensation program for those impacted by the immediate and phased closures of commercial fisheries in Glacier Bay proper and appropriated \$23 million to carry out the program. The State of Alaska based the amount on a preliminary economic assessment.
- In early 2000, information was gathered for an in-depth economic assessment as were comments regarding the allocation of compensation funds. In May 2000, the draft assessment (prepared by a Juneau-based economic research firm) was released for public comment. In August, the final economic assessment was released to the public.
- The final compensation plan was reached after considerable public comment and several public meetings. The most common request was for NPS to request an additional \$36.37 million in appropriations to fund the highest potential economic impact finding in the Economic Assessment.
- Depending on the loss measurement method and discount rate, the projected economic impact ranged from \$23 million to \$59.4 million.

Current Status (updated May 1, 2003):

- The Alaska Regional Office of the NPS has processed all the applications and appeals, sent notification of final decisions to all active applicants, and provided final payout information packages to the Treasury Department. Payments by Treasury are expected to occur by electronic fund transfer on March 19, 2003. See [final payments](#) for full details.
- The compensation plan was published in the Federal Register; the application period for fishermen to seek a share of the \$23 million compensation fund closed January 28, 2002.
- 1027 applications were received and reviewed. 386 applications were initially denied (usually because applications were incomplete), and estimated compensation amounts were determined for the remaining applicants. All applicants were notified of these initial determinations and offered an opportunity to appeal. 367 appeals were filed and 225 requested a hearing.
- The DOI Office of Hearings and Appeals conducted in person (75) and telephonic hearings (150) and provided recommendations on all of the 367 appeals. Their recommendations were forwarded to the NPS Alaska Regional Director for a final administrative decision.
- Additional supplemental payments and administrative corrections were made the week of April 14 to correct differences in the allocation ratios and address other issues. See [supplemental payments](#) and [administrative corrections](#) for full details.

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Questions and Answers

- [Frequently asked questions](#)
- For additional questions, call (907) 264-5499

Background and documentation

Final payments

Click the above link for detailed payment amounts and explanations.

Final Payments made March 19, 2003

In some cases, final payments were different than the estimates (in most cases, they were more).

Compensation Estimates

- [Listing of accepted applicants](#) (PDF*)
- [Amount of compensation to applying communities](#) (PDF*)
- [Compensation Plan](#) (PDF*)

Compensation estimates released.

Please note that these are only estimates, and are subject to change pending the outcome of the appeals process. Also, the numbers shown here replace all previously released numbers. You will also notice that the dollar amounts have been changed from the Compensation Plan. A full explanation of this is [available here](#).

A Report on Open House Meetings

Open House Summary

- (April 2000)

Conference Call Summaries: (PDF)

- [April 27, 2000](#)
- [May 4, 2000](#)
- [May 18 & 25, 2000](#)
- [June 1, 2000](#)

Superintendent's Message

Results of public open houses/ conference calls

A series of **informal open houses** was sponsored during January and February in Angoon, Gustavus, Haines, Hoonah, Juneau, Kake, Pelican, Petersburg, Sitka and Wrangell. To see a summary report on the open houses, click on **Open House Summary**.

Beginning the end of April and extending into June, a series of **conference call** opportunities was made available to anyone wanting to participate. Designated sites were set up around Southeast Alaska where interested parties were able to join into the discussion on the compensation program with staff members of the National Park Service, State of Alaska, RESOLVE and the McDowell Group. A **summary** of those calls is available.

| | |
|--|---|
| | <p>The Final Economic Assessment (PDF) on which the compensation plan is based is also available on-line. Note that the appendices are only available in the print version.</p> |
| <p>Final Rule (PDF*)</p> | <p>Lifetime Access Permit</p> <p>When The Act (see below) was enacted in October of 1999 the final rule provided for a program that authorized certain fisheries to continue in Glacier Bay proper and outlined eligibility criteria for those fishermen showing a recurring recent history to continue fishing under a non-transferable lifetime access permit.</p> <p>Fishermen meeting the following criteria were eligible to apply for a lifetime permit that is renewable every 5 years.</p> <ul style="list-style-type: none"> ● Halibut. Show landings from Glacier Bay in at least 2 years between 1992-1998. ● Tanner crab and Troll salmon. Show landings from Glacier Bay in at least 3 years between 1989-1998. <p>Permits to fish Glacier Bay proper will be required beginning October 1, 2000.</p> |
| <p>Timeline</p> <p>Glacier Bay Commercial Fishing History</p> <p>The Act (PDF*)</p> | <p>How Did We Get To This Point?</p> <p>For a timeline of past and proposed NPS actions to implement the compensation plan, click on the Timeline. An overview of the entire commercial fishing issue is available by clicking on Glacier Bay Commercial Fishing History. The relevant sections of the two laws that together produced the commercial fishing settlement and compensation are summarized in The Act.</p> |

** Unlike plain text, PDF files in Adobe Acrobat format preserve the appearance of the original documents, including fonts and columns. To view them you must have the Adobe Acrobat*

reader. You can download and install the reader free by [clicking here](#).

Contact: GLBA_comm_fishing@nps.gov

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Commercial Fishing Compensation Final Payments

Final compensation payments were made on March 19, 2003.

For background information, including how these amounts were determined, see the [compensation plan](#) and this issue's [home page](#).

If you have questions about the compensation program, the number to call is (907) 264-5499.

Here's how the money was distributed:

GLBA Compensation Program

Final Payout by Category (\$23,000,000)

Permit Holders

\$10,892,564/ 46.5%

Communities

\$3,013,000/ 13.1%

Fish Tax Revenue

\$391,000/ 1.7%

Support Businesses

\$1,726,095/ 7.5%

Processor Employees

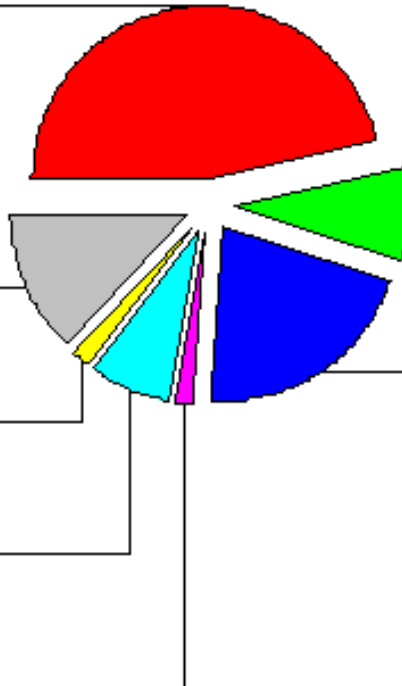
\$392,505/ 1.7%

Vessel Crew

\$1,933,830/ 8.4%

Processors

\$4,851,006/ 21.1%



For detailed breakdowns, click the links below.

Please note: Throughout these compensation payment reports, "earnings" are *only* those related to commercial fisheries in Glacier Bay during the qualifying period (1989-1998).

Permit Holders

| Sub-Categories | Recipients | Annual Earnings* | Final Payout | Percent of Total |
|----------------|------------|--------------------|---------------------|------------------|
| Dungeness | 13 | \$34,383 | \$339,279 | 1.48% |
| Groundfish | 13 | \$2,409 | \$23,771 | 0.10% |
| Halibut | 120 | \$563,883 | \$5,250,033 | 22.83% |
| King Crab | 7 | \$5,690 | \$56,147 | 0.24% |
| Tanner Pot | 32 | \$460,082 | \$4,539,919 | 19.74% |
| Tanner Ring | 15 | \$23,388 | \$230,784 | 1.00% |
| Troll | 30 | \$25,602 | \$252,631 | 1.10% |
| Total | 230 | \$1,115,437 | \$10,692,564 | 46.49% |

Vessel Crew

| Sub-Categories | Recipients | Annual Earnings* | Final Payout | Percent of Total |
|----------------|------------|------------------|--------------------|------------------|
| Dungeness | 10 | \$3,293 | \$32,494 | 0.14% |
| Groundfish | 2 | \$391 | \$3,858 | 0.02% |
| Halibut | 81 | \$87,840 | \$866,773 | 3.77% |
| King Crab | 7 | \$968 | \$9,552 | 0.04% |
| Tanner Pot | 86 | \$101,799 | \$1,004,515 | 4.37% |
| Tanner Ring | 6 | \$9,995 | \$9,858 | 0.04% |
| Troll | 6 | \$687 | \$6,780 | 0.03% |
| Total | 198 | \$204,973 | \$1,933,830 | 8.41% |

Processors

| Sub-Categories | Recipients | Annual Earnings* | Final Payout | Percent of Total |
|----------------|------------|------------------|--------------------|------------------|
| Dungeness | 5 | \$103,982 | \$1,562,233 | 6.79% |
| Groundfish | 2 | \$667 | \$6,582 | 0.03% |
| Halibut | 10 | \$100,501 | \$991,707 | 4.31% |
| King Crab | 4 | \$1,166 | \$11,506 | 0.05% |
| Tanner Pot | 5 | \$205,669 | \$2,029,466 | 8.82% |
| Tanner Ring | 4 | \$16,496 | \$162,776 | 0.71% |
| Troll | 5 | \$8,790 | \$86,736 | 0.38% |
| Total | 35 | \$437,271 | \$4,851,006 | 21.09% |

Others Affected

| Categories | Recipients | Annual Earnings* | Final Payout | Percent of Total |
|--------------------------------------|------------|------------------|--------------------|------------------|
| Processor Employees | 96 | \$41,006 | \$392,505 | 1.71% |
| Support Businesses and Others | 62 | \$167,790 | \$1,726,095 | 7.50% |
| Fish Tax Revenue | 5 | \$391,000 | \$391,000 | 1.70% |
| Communities | 7 | N/A | \$3,013,000 | 13.10% |
| Total | 170 | \$599,796 | \$5,522,600 | 24.01% |

Grand Total

| Categories | Recipients | Annual Earnings* | Final Payout | Percent of Total |
|--------------------|------------|------------------|--------------|------------------|
| Grand Total | 636 | \$2,357,477 | \$23,000,000 | 100.00% |

Supplemental Payments

Administrative corrections within individual categories subsequent to allocation resulted in slightly varying allocation ratios between categories at the time final compensation was determined. To bring proportional distribution ratios into parity, supplemental compensation is being provided for the Processor Employee and Dungeness Processor compensation categories. [See details.](#)

Administrative Corrections

Corrections have been made to the final compensation amounts paid in March 2003. These changes correct administrative errors in the amounts paid or provide compensation not previously determined for overlooked applications. The administrative corrections are being paid from remaining funds used to administer the Compensation Program. [See details.](#)

* Throughout these compensation payment reports, "earnings" are *only* those related to commercial fisheries in Glacier Bay during the qualifying period (1989-1998).

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Dungeness Crab Permit Holders Compensation

| Name | Gross Pounds | % of total | Final Compensation Payout |
|------------------|----------------|----------------|---------------------------|
| Burghduff, Bryan | 1,649 | 0.71% | \$2,391.97 |
| Buttram, Roger | 344 | 0.15% | \$498.99 |
| Gilman, Lloyd | 19,694 | 8.42% | \$28,567.23 |
| Gregg, Richard | 23,224 | 9.93% | \$33,687.69 |
| Hopewell, Kurt | 3,260 | 1.39% | \$4,728.81 |
| Knight, Daryl | 2,733 | 1.17% | \$3,964.37 |
| Place, John | 2,123 | 0.91% | \$3,079.53 |
| Pukis, Brien | 78,994 | 33.77% | \$114,585.14 |
| Pukis, Paul | 2,667 | 1.14% | \$3,868.63 |
| Roddy, Peter | 78,544 | 33.58% | \$113,932.39 |
| Savland, Stan | 2,316 | 0.99% | \$3,359.49 |
| Scudder, Stuart | 2,865 | 1.22% | \$4,155.84 |
| Westrom, Warren | 15,483 | 6.62% | \$22,458.94 |
| Total | 233,896 | 100.00% | \$339,279.02 |

Compensation for this category was distributed proportional to the amount each permit holder harvested.

Name = Payee

Gross Pounds = Total Gross Qualified Pounds of fish for individual permit holders during qualifying period (1989-1998)

% of total = Individual permit holder's percentage of Gross Qualified Pounds in this category (individual gross pounds divided by total gross pounds)

Final Compensation Payout = Final compensation amount (% of total multiplied by total payout for category)

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Groundfish Permit Holders Compensation

| Name | Gross Pounds | % of total | Total Compensation Payout |
|-------------------|---------------|----------------|---------------------------|
| Baker, Sean | 1,770 | 3.31% | \$786.06 |
| Barry, John | 3,957 | 7.39% | \$1,757.31 |
| Davis, Richard | 4,988 | 9.32% | \$2,215.18 |
| Emerson, Joseph | 15,938 | 29.78% | \$7,078.10 |
| Fisher, Alan | 243 | 0.45% | \$107.92 |
| Gonzalez, Ivan | 133 | 0.25% | \$59.07 |
| Moore, Joshua | 2,157 | 4.03% | \$957.93 |
| Morin, Allen J. | 5,887 | 11.00% | \$2,614.43 |
| Osborne, Arthur | 504 | 0.94% | \$223.83 |
| Saunders, John M. | 343 | 0.64% | \$152.33 |
| Savland, Monica | 304 | 0.57% | \$135.01 |
| Savland, Stan | 9,067 | 16.94% | \$4,026.67 |
| Traibush, Thomas | 8,235 | 15.39% | \$3,657.18 |
| Total | 53,526 | 100.00% | \$23,771.00 |

Compensation for this category was distributed proportional to the amount each permit holder harvested.

Name = Payee

Gross Pounds = Total Gross Qualified Pounds of fish for individual permit holders during qualifying period (1989-1998)

% of total = Individual permit holder's percentage of Gross Qualified Pounds in this category (individual gross pounds divided by total gross pounds)

Final Compensation Payout = Final compensation amount (% of total multiplied by total payout for category)

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Halibut Permit Holders Compensation

Compensation for this category was distributed proportional to the amount each permit holder harvested.

Name = Payee

Gross Pounds = Total Gross Qualified Pounds of fish for individual permit holders during qualifying period (1989-1998)

% of total = Individual permit holder's percentage of Gross Qualified Pounds in this category (individual gross pounds divided by total gross pounds)

Final Compensation Payout = Final compensation amount (% of total multiplied by total payout for category)

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| Name | Gross Pounds | % of total | Total Compensation Amount |
|-------------------|--------------|------------|---------------------------|
| Babich, Elisabeth | 19,144 | 0.68% | \$35,514.33 |
| Barnes, Paul | 4,472 | 0.16% | \$8,296.08 |
| Bartoo, Russell | 9,377 | 0.33% | \$17,395.42 |
| Baumgart, Hank | 853 | 0.03% | \$1,582.41 |
| Becker, Robert | 6,311 | 0.22% | \$11,707.63 |
| Beeson, Wayne | 37,179 | 1.31% | \$68,971.35 |
| Bigsby, Fred | 8,995 | 0.32% | \$16,686.77 |
| Botts, Thomas | 1,144 | 0.04% | \$2,122.25 |
| Box, Steve | 7,823 | 0.28% | \$14,512.57 |
| Boyce, Eleanor | 578 | 0.02% | \$1,072.26 |
| Boyce, Richard | 22,345 | 0.79% | \$41,452.56 |
| Bradley, Mark | 6,782 | 0.24% | \$12,581.39 |
| Brainard, John | 329 | 0.01% | \$610.33 |
| Broderson, Mark | 16,540 | 0.58% | \$30,683.61 |
| Clark, Robert | 7,365 | 0.26% | \$13,662.93 |
| Clements, Charles | 23,884 | 0.84% | \$44,307.58 |

| | | | |
|-------------------------------|---------|-------|--------------|
| Cook, Morton | 6,278 | 0.22% | \$11,646.42 |
| Craig, Joe | 5,148 | 0.18% | \$9,550.14 |
| Craig, Sandra | 3,666 | 0.13% | \$6,800.85 |
| Daugherty, Richard | 6,664 | 0.24% | \$12,362.49 |
| Davis, Richard | 70,993 | 2.51% | \$131,700.23 |
| Dellazoppa, Paul | 91,414 | 3.23% | \$169,583.54 |
| Dybdahl, James | 30,520 | 1.08% | \$56,618.13 |
| Edwards, Mark | 188 | 0.01% | \$348.76 |
| Emerson, Joseph | 12,105 | 0.43% | \$22,456.95 |
| Erickson, James A. Jr. | 61,574 | 2.18% | \$114,226.89 |
| Etheridge, John | 11,419 | 0.40% | \$21,183.57 |
| Fennimore, Howard | 33,891 | 1.20% | \$62,871.73 |
| Ferguson, Michael | 14,173 | 0.50% | \$26,292.55 |
| File, Scott | 26,947 | 0.95% | \$49,989.80 |
| Fisher, Alan | 54,105 | 1.91% | \$100,371.03 |
| Florschutz, Otto III | 5,605 | 0.20% | \$10,397.92 |
| Gonzalez, Ivan | 17,251 | 0.61% | \$32,002.60 |
| Gregg, Dina | 21,018 | 0.74% | \$38,990.82 |
| Gregg, Randal | 26,814 | 0.95% | \$49,743.07 |
| Gregg, Roger | 2,688 | 0.09% | \$4,986.55 |
| Gross, Roger | 21,697 | 0.77% | \$40,250.44 |
| Gudmundson, Dennis | 769 | 0.03% | \$1,426.58 |
| Hallingstead, Jacob | 3,986 | 0.14% | \$7,394.49 |
| Harley, Raymond | 6,556 | 0.23% | \$12,162.14 |
| Harrell, John | 1,065 | 0.04% | \$1,975.70 |
| Hay, Michael | 103,583 | 3.66% | \$192,158.45 |
| Hendricks, Jeff | 14,156 | 0.50% | \$26,261.02 |
| Hinchman, John Sr. | 10,611 | 0.37% | \$19,684.63 |
| Hines, Kenneth | 9,074 | 0.32% | \$16,833.32 |
| Hughes, Norman | 5,263 | 0.19% | \$9,763.47 |

| | | | |
|---------------------------|---------|--------|--------------|
| Hutton, William | 3,918 | 0.14% | \$7,268.34 |
| Ihnat, Michael | 54,868 | 1.94% | \$101,786.49 |
| Jackson, John | 9,460 | 0.33% | \$17,549.39 |
| Jones, Stanley | 17,766 | 0.63% | \$32,957.98 |
| Judson, Norman | 10,495 | 0.37% | \$19,469.44 |
| Kerr, Carl | 10,000 | 0.35% | \$18,551.16 |
| Land, David J. | 9,838 | 0.35% | \$18,250.63 |
| Larson, James L. | 1,926 | 0.07% | \$3,572.95 |
| Long, Craig | 4,659 | 0.16% | \$8,642.98 |
| Lundahl Richard | 38,019 | 1.34% | \$70,529.64 |
| Lundahl, Tamara | 4,838 | 0.17% | \$8,975.05 |
| Martinson, Krist | 13,998 | 0.49% | \$25,967.91 |
| Mason, Charles Jr. | 5,348 | 0.19% | \$9,921.16 |
| Massey, Andrew | 10,055 | 0.36% | \$18,653.19 |
| Metcalfe, Matt | 15,710 | 0.56% | \$29,143.87 |
| Millard, Bonny | 6,650 | 0.23% | \$12,336.52 |
| Mills, Pat | 27,028 | 0.96% | \$50,140.07 |
| Moore, James | 2,634 | 0.09% | \$4,886.37 |
| Moore, Joshua | 9,813 | 0.35% | \$18,204.25 |
| Morin, Allen J. | 14,404 | 0.51% | \$26,721.09 |
| Morris, Michael | 2,200 | 0.08% | \$4,081.25 |
| Morris, Norman | 11,535 | 0.41% | \$21,398.76 |
| Nance, Gerald | 7,680 | 0.27% | \$14,247.29 |
| Nash, William | 20,374 | 0.72% | \$37,796.13 |
| Nelson, Paul | 655 | 0.02% | \$1,215.10 |
| Nilsen, Matt | 29,191 | 1.03% | \$54,152.68 |
| Nilsen, Peter A. | 299,876 | 10.60% | \$556,304.67 |
| Norris, James | 2,601 | 0.09% | \$4,825.16 |
| Norris, Rennie | 1,236 | 0.04% | \$2,292.92 |
| Nyman, Robert | 36,550 | 1.29% | \$67,804.48 |

| | | | |
|------------------------------|---------|-------|--------------|
| Ohlson, Michael | 18,504 | 0.65% | \$34,327.06 |
| Osborne, Arthur | 24,129 | 0.85% | \$44,762.09 |
| Otness, Nels | 4,647 | 0.16% | \$8,620.72 |
| Padon, Bradley V. | 1,721 | 0.06% | \$3,192.65 |
| Pasquan, John | 101,727 | 3.59% | \$188,715.35 |
| Perry, James D. | 2,285 | 0.08% | \$4,238.94 |
| Peterson, Erik | 4,800 | 0.17% | \$8,904.56 |
| Phillips, James E | 11,347 | 0.40% | \$21,050.00 |
| Piedra, Charles | 9,817 | 0.35% | \$18,211.67 |
| Pierce, Stephen | 81,942 | 2.90% | \$152,011.89 |
| Pukis, Brien | 7,230 | 0.26% | \$13,412.49 |
| Pukis, Lloyd | 75,427 | 2.67% | \$139,925.81 |
| Reddekopp, Stanley | 2,595 | 0.09% | \$4,814.03 |
| Riederer, Dwight | 13,526 | 0.48% | \$25,092.29 |
| Rutter, Sigurd | 1,249 | 0.04% | \$2,317.04 |
| Saunders, John M. | 25,871 | 0.91% | \$47,993.70 |
| Savland, Monica | 3,760 | 0.13% | \$6,975.23 |
| Savland, Stan | 20,485 | 0.72% | \$38,002.04 |
| Shelton, Jev | 26,642 | 0.94% | \$49,423.99 |
| Smith, Bruce | 33,133 | 1.17% | \$61,465.55 |
| Stuart, Raleigh | 30,807 | 1.09% | \$57,150.55 |
| Sullivan, Patrick | 36,013 | 1.27% | \$66,808.28 |
| Szymanski, James | 37,312 | 1.32% | \$69,218.08 |
| Thomas, Bill | 9,834 | 0.35% | \$18,243.21 |
| Thompson, Kim | 33,743 | 1.19% | \$62,597.17 |
| Traibush, Thomas | 96,071 | 3.39% | \$178,222.82 |
| Turner, Pedr | 12,598 | 0.45% | \$23,370.75 |
| Vandor, Edward | 8,875 | 0.31% | \$16,464.15 |
| Visscher, Scott | 6,374 | 0.23% | \$11,824.51 |
| Vlasak, Edwin (Roger) | 2,532 | 0.09% | \$4,697.15 |

| | | | |
|--------------------------------|------------------|----------------|-----------------------|
| von Stauffenberg, Erich | 3,734 | 0.13% | \$6,927.00 |
| Walker, Donald | 4,630 | 0.16% | \$8,589.19 |
| Walker, William J | 1,519 | 0.05% | \$2,817.92 |
| Walling, Jay | 5,504 | 0.19% | \$10,210.56 |
| Warfel, Frank L. Sr. | 311,559 | 11.01% | \$577,977.98 |
| Warfel, Frank W. Jr. | 11,921 | 0.42% | \$22,114.83 |
| Westlund, Bonnie | 24,791 | 0.88% | \$45,990.17 |
| White, Jacob Sr. | 2,681 | 0.09% | \$4,973.57 |
| Will, Craig | 75,713 | 2.68% | \$140,456.37 |
| Willis, Roy A. | 15,049 | 0.53% | \$27,917.64 |
| Wirta, Terry | 3,732 | 0.13% | \$6,923.29 |
| Wood, Stanley | 4,999 | 0.18% | \$9,273.72 |
| Woodruff, Deborah | 822 | 0.03% | \$1,524.91 |
| Young, Steve | 82,713 | 2.92% | \$153,442.18 |
| Total | 2,830,030 | 100.00% | \$5,250,033.77 |

Compensation for this category was distributed proportional to the amount each permit holder harvested.

Name = Payee

Gross Pounds = Total Gross Qualified Pounds of fish for individual permit holders during qualifying period (1989-1998)

% of total = Individual permit holder's percentage of Gross Qualified Pounds in this category (individual gross pounds divided by total gross pounds)

Final Compensation Payout = Final compensation amount (% of total multiplied by total payout for category)

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King Crab Permit Holders Compensation

| Name | Gross Pounds | % of total | Total Compensation Payout |
|---------------------|------------------|----------------|---------------------------|
| Bean, Victor Sr. | 132.00 | 0.98% | \$552.10 |
| Gregg, Richard | 6,726.00 | 50.10% | \$28,132.06 |
| Hakala, Ronald | 137.00 | 1.02% | \$573.01 |
| Morin, Allen | 77.00 | 0.57% | \$322.06 |
| Nelson, Norval Jr. | 1,796.00 | 13.38% | \$7,511.92 |
| Pukis, Lloyd | 4,533.00 | 33.77% | \$18,959.65 |
| Samuelson, Gainhart | 23.00 | 0.17% | \$96.20 |
| Total | 13,424.00 | 100.00% | \$56,147.00 |

Compensation for this category was distributed proportional to the amount each permit holder harvested.

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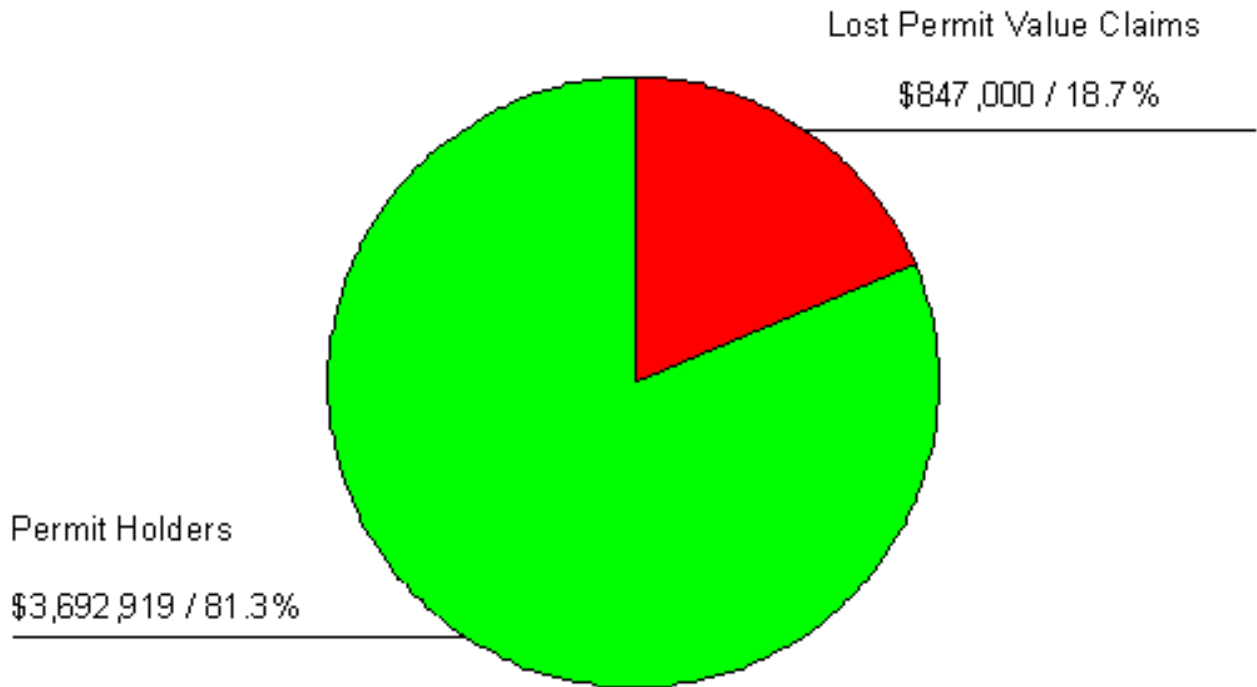
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Tanner Crab Pot Permit Holders Compensation

GLBA Fisheries Compensation

Tanner Pot Final Payout



In this category, the total compensation of \$4,539,919 was split between claims for the lost value of permits and lost revenue from fishing.

Lost Revenue

| Name | Gross Pounds | % of total | Total Compensation |
|------------------|--------------|------------|--------------------|
| Aase, Carl | 291,067 | 15.75% | \$581,739.08 |
| Bean, Victor Sr. | 31,745 | 1.72% | \$63,446.93 |

| | | | |
|------------------------------|---------|-------|--------------|
| Breseman, John | 27,913 | 1.51% | \$55,788.13 |
| Christensen, Charles | 31,965 | 1.73% | \$63,886.63 |
| Denkinger, Troy | 96,240 | 5.21% | \$192,349.42 |
| Duncan, Dwight | 22,180 | 1.20% | \$44,329.91 |
| Fuglvog, Edwin | 8,495 | 0.46% | \$16,978.47 |
| Gregg, Randal | 11,591 | 0.63% | \$23,166.27 |
| Gregg, Richard | 35,895 | 1.94% | \$71,741.30 |
| Hakala, Ronald | 9,876 | 0.53% | \$19,738.60 |
| Hinchman, John Sr. | 44,530 | 2.41% | \$88,999.58 |
| Joyce, Bruce | 41,958 | 2.27% | \$83,859.07 |
| Kalk, Donald | 11,376 | 0.62% | \$22,736.56 |
| Karuza, John | 106,378 | 5.76% | \$212,611.67 |
| Kerr, Carl | 39,676 | 2.15% | \$79,298.17 |
| Larson, Terry | 13,002 | 0.70% | \$25,986.36 |
| MacDonald, Terry | 148,674 | 8.05% | \$297,146.28 |
| Martin, James (AI) | 2,560 | 0.14% | \$5,116.53 |
| Morin, Allen | 98,096 | 5.31% | \$196,058.90 |
| Nelson, Norval E. Jr. | 140,499 | 7.60% | \$280,807.37 |
| Nelson, Norval H. Sr. | 22,937 | 1.24% | \$45,842.88 |
| O'Neil, Dennis | 3,688 | 0.20% | \$7,371.00 |
| Padon, Bradley | 56,190 | 3.04% | \$112,303.76 |
| Painter, Larry | 20,515 | 1.11% | \$41,002.16 |
| Place, John | 121,502 | 6.58% | \$242,839.14 |
| Robinson, Calvin | 68,011 | 3.68% | \$135,929.72 |
| Roddy, Peter | 90,851 | 4.92% | \$181,578.73 |
| Rosvold, Eric | 146,164 | 7.91% | \$292,129.68 |
| Samuelson, Gainhart | 13,558 | 0.73% | \$27,097.60 |
| Severson, Mark | 15,779 | 0.85% | \$31,536.59 |
| White, Vince | 72,584 | 3.93% | \$145,069.52 |
| Wright, Frank Sr. | 2,218 | 0.12% | \$4,432.99 |

| | | | |
|--------------|------------------|----------------|-----------------------|
| Total | 1,847,713 | 100.00% | \$3,692,919.00 |
|--------------|------------------|----------------|-----------------------|

Compensation for lost revenue was distributed proportional to the amount each permit holder harvested.

Name = Payee

Gross Pounds = Total Gross Qualified Pounds of fish for individual permit holders during qualifying period (1989-1998)

% of total = Individual permit holder's percentage of Gross Qualified Pounds in this category (individual gross pounds divided by total gross pounds)

Final Compensation Payout = Final compensation amount (% of total multiplied by total payout for category)

Lost Permit Value

Pursuant to Part IV of the **Compensation Plan**, \$847,000 of the Tanner Crab pot compensation was designated to reduce the number of active permits. Since the reduction plan proved unsuccessful, all funds were returned to the Tanner Crab pot permit holder category and distributed equally among all qualified Tanner pot permit holders who submitted applications for loss permit value compensation. The \$847,000 was divided evenly among 72 Tanner Pot permit holders (\$847,000/72). Final compensation for this part of the program is \$11,763.89 per qualified Tanner pot permit holder.

| Lost Permit Value Claim | Final Payment |
|--------------------------------|----------------------|
| Aase, Carl | \$ 11,763.89 |
| Bartlett, Dennis | \$ 11,763.89 |
| Bean, Victor Sr. | \$ 11,763.89 |
| Breseman, John C. | \$ 11,763.89 |
| Buschmann, Ronn | \$ 11,763.89 |
| Clausen, Steven | \$ 11,763.89 |
| Crome, Daniel | \$ 11,763.89 |
| Daugherty, Richard | \$ 11,763.89 |
| Davis, Nicholas | \$ 11,763.89 |
| Duncan, Dwight | \$ 11,763.89 |
| Eichner, Ken | \$ 11,763.89 |
| Eide, John | \$ 11,763.89 |
| Eide, Richard L. | \$ 11,763.89 |
| Estate of James P. Odegaard | \$ 11,763.89 |
| Estate of Kenneth R. Aase | \$ 11,763.89 |
| Flynn, Lawrence | \$ 11,763.89 |

| | |
|----------------------------|--------------|
| Fuglvog, Edwin | \$ 11,763.89 |
| Gregg, Randal | \$ 11,763.89 |
| Gregg, Richard | \$ 11,763.89 |
| Gregg, Roger | \$ 11,763.89 |
| Hakala, Ronald | \$ 11,763.89 |
| Haltiner, Robert | \$ 11,763.89 |
| Harris, Charles | \$ 11,763.89 |
| Hinchman, John Sr. | \$ 11,763.89 |
| Holgate, Donald W. | \$ 11,763.89 |
| Jensen, John E. | \$ 11,763.89 |
| Joyce, Bruce | \$ 11,763.89 |
| Kalk, Donald | \$ 11,763.89 |
| Karuza, John | \$ 11,763.89 |
| Kerr, Carl | \$ 11,763.89 |
| Knight, Andrew J. | \$ 11,763.89 |
| Kohlhase, Robert | \$ 11,763.89 |
| Larson, Terry | \$ 11,763.89 |
| Leekley, Robert | \$ 11,763.89 |
| Lewis, Joseph E. | \$ 11,763.89 |
| Littleton, Rocky | \$ 11,763.89 |
| MacDonald, Clifford | \$ 11,763.89 |
| Marquis, Mike | \$ 11,763.89 |
| Martens, Collin | \$ 11,763.89 |
| Mathisen, Sigurd | \$ 11,763.89 |
| Mathisen, Wayne | \$ 11,763.89 |
| McCay, Roderick, D. | \$ 11,763.89 |
| McDonald, John A. | \$ 11,763.89 |
| Menish, William | \$ 11,763.89 |
| Miller, James L. | \$ 11,763.89 |
| Morin, Allen J. | \$ 11,763.89 |

| | |
|------------------------------|----------------------|
| Nilsen, Michael | \$ 11,763.89 |
| Nilsen, Peter A. | \$ 11,763.89 |
| Nyman, Robert | \$ 11,763.89 |
| Nyman, Ronald | \$ 11,763.89 |
| Olson, Darryl | \$ 11,763.89 |
| O'Neil, Dennis | \$ 11,763.89 |
| Osborne, Arthur B. | \$ 11,763.89 |
| Otness, Alan | \$ 11,763.89 |
| Otness, Nels | \$ 11,763.89 |
| Painter, Larry | \$ 11,763.89 |
| Palmer, Victor | \$ 11,763.89 |
| Pasquan, Joel | \$ 11,763.89 |
| Pasquan, John | \$ 11,763.89 |
| Perry, James D. | \$ 11,763.89 |
| Place, Jon | \$ 11,763.89 |
| Pukis, Llyod | \$ 11,763.89 |
| Roddy, Peter | \$ 11,763.89 |
| Samuelson, Gainhart | \$ 11,763.89 |
| Slaven, Gary | \$ 11,763.89 |
| Sliter, Robert | \$ 11,763.89 |
| Thomassen, Steven Jr. | \$ 11,763.89 |
| Thomassen, Steven Sr. | \$ 11,763.89 |
| Vick, Daniel | \$ 11,763.89 |
| Whitehorn, Luke | \$ 11,763.89 |
| Will, Craig | \$ 11,763.89 |
| Wood, George | \$ 11,763.89 |
| Total | \$ 847,000.08 |

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Tanner Crab Ring Net Permit Holders Compensation

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| Name | Gross Pounds | % of total | Total Compensation |
|-------------------------|---------------|----------------|---------------------|
| Burghduff, Bryan | 855 | 0.92% | \$2,126.09 |
| Buttram, Roger | 12,318 | 13.27% | \$30,630.62 |
| Chase, Don | 972 | 1.05% | \$2,417.03 |
| Coby, Jamie (estate of) | 6,169 | 6.65% | \$15,340.18 |
| Erickson, James A. Jr. | 4,210 | 4.54% | \$10,468.82 |
| Fisher, Alan | 1,218 | 1.31% | \$3,028.75 |
| Gonzalez, Evan | 581 | 0.63% | \$1,444.75 |
| Gonzalez, Ivan | 8,492 | 9.15% | \$21,116.68 |
| Hammonds, Dave | 1,198 | 1.29% | \$2,979.01 |
| Metcalf, Matt | 9,503 | 10.24% | \$23,630.69 |
| Mosher, Robert | 2,178 | 2.35% | \$5,415.94 |
| Savland, Stan | 9,355 | 10.08% | \$23,262.66 |
| Smith, Bruce | 16,441 | 17.71% | \$40,883.10 |
| Traubush, Thomas A. | 14,266 | 15.37% | \$35,474.63 |
| Turner, Pedr | 5,053 | 5.44% | \$12,565.07 |
| Total | 92,809 | 100.00% | \$230,784.00 |

Compensation for this category was distributed proportional to the amount each permit holder harvested.

Name = Payee

Gross Pounds = Total Gross Qualified Pounds of fish for individual permit holders during qualifying period (1989-1998)

% of total = Individual permit holder's percentage of Gross Qualified Pounds in this category (individual gross pounds divided by total gross pounds)

Final Compensation Payout = Final compensation amount (% of total multiplied by total)

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Salmon Troll Permit Holders Compensation

| Name | Gross Pounds | % of total | Total Compensation |
|------------------------|--------------|------------|--------------------|
| Baker, Van | 4,361 | 5.24% | \$13,236.46 |
| Beason, Randy | 4,162 | 5.00% | \$12,632.46 |
| Berwind, Jeff | 1,506 | 1.81% | \$4,571.00 |
| Cesar, Kermit S. | 1,219 | 1.46% | \$3,699.90 |
| Chase, Don | 3,167 | 3.80% | \$9,612.45 |
| Dybdahl, James | 10,562 | 12.69% | \$32,057.68 |
| Emerson, Joseph | 4,243 | 5.10% | \$12,878.31 |
| Emerson, Philip | 3,378 | 4.06% | \$10,252.87 |
| Erickson, James A. Jr. | 6,714 | 8.07% | \$20,378.27 |
| Farley, Eugene | 77 | 0.09% | \$233.71 |
| Ferguson, Michael | 31 | 0.04% | \$94.09 |
| Fisher, Alan | 559 | 0.67% | \$1,696.67 |
| Gonzalez, Ivan | 413 | 0.50% | \$1,253.53 |
| Gray, Robert | 359 | 0.43% | \$1,089.63 |
| Hammonds, David | 199 | 0.24% | \$604.00 |
| Hines, Kenneth | 2,270 | 2.73% | \$6,889.88 |
| Howe, Fred | 2,361 | 2.84% | \$7,166.08 |
| Martinsen, Krist | 9,512 | 11.43% | \$28,870.73 |
| Nigro, Michael | 1,408 | 1.69% | \$4,273.55 |
| Ohlson, Michael | 3,152 | 3.79% | \$9,566.92 |
| Perkins, William | 605 | 0.73% | \$1,836.29 |
| Peterson, Floyd | 314 | 0.38% | \$953.05 |

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| | | | |
|---------------------------|---------------|----------------|---------------------|
| Pukis, Brien | 440 | 0.53% | \$1,335.48 |
| Savland, Stan | 755 | 0.91% | \$2,291.57 |
| Smith, Bruce | 6,107 | 7.34% | \$18,535.91 |
| Sullivan , Patrick | 265 | 0.32% | \$804.33 |
| Swanson, Scott | 1,980 | 2.38% | \$6,009.68 |
| Thompson, Kim | 137 | 0.16% | \$415.82 |
| Westcott, Dan Sr. | 1,863 | 2.24% | \$5,654.56 |
| Willis, Roy | 11,115 | 13.35% | \$33,736.14 |
| Total | 83,234 | 100.00% | \$252,631.00 |

Compensation for this category was distributed proportional to the amount each permit holder harvested.

Name = Payee

Gross Pounds = Total Gross Qualified Pounds of fish for individual permit holders during qualifying period (1989-1998)

% of total = Individual permit holder's percentage of Gross Qualified Pounds in this category (individual gross pounds divided by total gross pounds)

Final Compensation Payout = Final compensation amount (% of total multiplied by total payout for category)

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Dungeness Crab Crew Compensation

| Name | Money Earned | % of total | Total Compensation |
|--------------------|---------------------|----------------|--------------------|
| Barry, John | \$ 1,103.08 | 3.35% | \$1,088.51 |
| Burghduff, Bernice | \$ 268.50 | 0.82% | \$264.95 |
| Currier, Erika | \$ 12,759.22 | 38.75% | \$12,590.66 |
| Jaeger, Mark | \$ 5,863.10 | 17.80% | \$5,785.64 |
| Mortenson, David | \$ 3,186.05 | 9.68% | \$3,143.96 |
| Mosher, Robert | \$ 933.60 | 2.83% | \$921.27 |
| Pukis, Paul | \$ 1,659.20 | 5.04% | \$1,637.28 |
| Sevdy, David | \$ 5,743.28 | 17.44% | \$5,667.40 |
| Sidwell, John | \$ 1,081.00 | 3.28% | \$1,066.72 |
| Wescott, Alex | \$ 332.00 | 1.01% | \$327.61 |
| Total | \$ 32,929.03 | 100.00% | \$32,494.00 |

Compensation for this category was distributed proportional to the amount each payee earned.

Name = Payee

Money Earned= Total amount earned by individuals during the qualifying period (1989-1998)

% of total = Individual crew member's percentage of total earned in this category (individual money earned divided by total money earned)

Final Compensation Payout = Final compensation amount (% of total multiplied by total compensation for category)

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Groundfish Crew Compensation

| Name | Money Earned | % of total | Total Compensation |
|-----------------------|-------------------|----------------|--------------------|
| Stromme, Steve | \$1,953.59 | 50.00% | 1,929.00 |
| Woodie, David | \$1,953.59 | 50.00% | 1,929.00 |
| Total | \$3,907.18 | 100.00% | 3,858.00 |

Compensation for this category was distributed proportional to the amount each payee earned.

Name = Payee

Money Earned= Total amount earned by individuals during the qualifying period (1989-1998)

% of total = Individual crew member's percentage of total earned in this category (individual money earned divided by total money earned)

Final Compensation Payout = Final compensation amount (% of total multiplied by total compensation for category)

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Halibut Crew Compensation

Compensation for this category was distributed proportional to the amount each payee earned.

Name = Payee

Money Earned= Total amount earned by individuals during the qualifying period (1989-1998)

% of total = Individual crew member's percentage of total earned in this category (individual money earned divided by total money earned)

Final Compensation Payout = Final compensation amount (% of total multiplied by total compensation for category)

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| Name | Money Earned | % of total | Total Compensation |
|--------------------|--------------|------------|--------------------|
| Andruss, Michael | \$22,002.33 | 2.50% | \$21,711.09 |
| Barry, John | \$3,984.15 | 0.45% | \$3,931.41 |
| Box, Steve | \$9,773.12 | 1.11% | \$9,643.76 |
| Boyce, Eleanor | \$550.00 | 0.06% | \$542.72 |
| Clark, Lucas | \$969.29 | 0.11% | \$956.46 |
| Currier, Erika | \$6,227.00 | 0.71% | \$6,144.58 |
| Dalton, Paul M. | \$2,143.00 | 0.24% | \$2,114.63 |
| Damron, Charlotte | \$2,822.00 | 0.32% | \$2,784.65 |
| Daugherty, Richard | \$2,310.83 | 0.26% | \$2,280.24 |
| Davis, Jay B | \$6,530.00 | 0.74% | \$6,443.56 |
| Davis, Richard | \$9,230.00 | 1.05% | \$9,107.83 |
| Dybdahl, Johan | \$11,257.39 | 1.28% | \$11,108.38 |
| Dybdahl, Paul | \$15,027.50 | 1.71% | \$14,828.59 |
| Erickson, Jay L. | \$8,593.76 | 0.98% | \$8,480.01 |
| Erickson, Mary J. | \$17,783.60 | 2.02% | \$17,548.20 |
| Farley, Eugene | \$3,646.67 | 0.42% | \$3,598.40 |
| Fritz, Stefan | \$3,570.00 | 0.41% | \$3,522.75 |
| Gray, Dennis H. | \$2,637.89 | 0.30% | \$2,602.97 |

| | | | |
|-----------------------------|-------------|--------|-------------|
| Gregg, Dina | \$3,285.86 | 0.37% | \$3,242.37 |
| Gregg, Randal | \$20,660.17 | 2.35% | \$20,386.70 |
| Haffner, Matthew | \$1,555.91 | 0.18% | \$1,535.31 |
| Harrell, John | \$3,198.88 | 0.36% | \$3,156.54 |
| Hay, Jeffrey | \$56,923.33 | 6.48% | \$56,169.86 |
| Hinchman, Jerald Sr. | \$1,203.92 | 0.14% | \$1,187.98 |
| Hinchman, John Jr. | \$1,239.84 | 0.14% | \$1,223.43 |
| Ihnat, Frank | \$28,363.36 | 3.23% | \$27,987.92 |
| Ihnat, Michael | \$48,907.15 | 5.57% | \$48,259.78 |
| Jaeger, Mark | \$8,005.00 | 0.91% | \$7,899.04 |
| Jensen, Robert L. | \$17,411.75 | 1.98% | \$17,181.28 |
| Johnson, Karl | \$1,518.84 | 0.17% | \$1,498.74 |
| Jones, Stanley | \$1,986.60 | 0.23% | \$1,960.30 |
| Katzenmeyer, Randy | \$2,330.00 | 0.27% | \$2,299.16 |
| Kuntz, Robert | \$2,287.00 | 0.26% | \$2,256.73 |
| Lakip, Danny | \$9,399.00 | 1.07% | \$9,274.59 |
| Lee, Jack M. | \$3,025.25 | 0.34% | \$2,985.21 |
| Lindoff, Harvey J. | \$2,878.34 | 0.33% | \$2,840.24 |
| Lundahl, Eric | \$10,753.45 | 1.22% | \$10,611.11 |
| Lundahl, Richard | \$4,968.42 | 0.57% | \$4,902.65 |
| Lundahl, Tamara | \$5,489.01 | 0.62% | \$5,416.35 |
| Marvin, David J. | \$3,459.21 | 0.39% | \$3,413.42 |
| Mason, Charles Jr. | \$3,198.88 | 0.36% | \$3,156.54 |
| Math, Gunther | \$3,823.00 | 0.44% | \$3,772.40 |
| Metcalf, Matt | \$6,452.00 | 0.73% | \$6,366.60 |
| Miller, Ryan G. | \$96,450.10 | 10.98% | \$95,173.42 |
| Mills, Jeffery | \$3,458.95 | 0.39% | \$3,413.17 |
| Morris, Lee | \$385.88 | 0.04% | \$380.77 |
| Mosher, Robert | \$5,860.53 | 0.67% | \$5,782.96 |
| Nash, Mark | \$2,585.27 | 0.29% | \$2,551.05 |

| | | | |
|--------------------------------------|--------------|--------|--------------|
| Nilsen, Matt | \$108,690.41 | 12.37% | \$107,251.71 |
| Nilsen, Peter A. | \$22,619.72 | 2.58% | \$22,320.31 |
| Nyman, Lee-Ann | \$1,400.00 | 0.16% | \$1,381.47 |
| Ohlson, Jeanne | \$1,283.00 | 0.15% | \$1,266.02 |
| Ostrom, Tracy | \$5,817.93 | 0.66% | \$5,740.92 |
| Pardee, Daniel | \$3,031.64 | 0.35% | \$2,991.51 |
| Pardee, Raymond | \$1,168.86 | 0.13% | \$1,153.39 |
| Peters, William C. | \$13,034.36 | 1.48% | \$12,861.83 |
| Pfeiffer, August | \$739.50 | 0.08% | \$729.71 |
| Phillips, Frederick Casey | \$400.00 | 0.05% | \$394.71 |
| Phillips, James D. | \$400.00 | 0.05% | \$394.71 |
| Phillips, Jordan E. | \$400.00 | 0.05% | \$394.71 |
| Phillips, Patricia A. | \$166.65 | 0.02% | \$164.44 |
| Pinard, Brent | \$5,060.00 | 0.58% | \$4,993.02 |
| Pukis, Brien | \$10,000.00 | 1.14% | \$9,867.63 |
| Pukis, Paul | \$9,525.23 | 1.08% | \$9,399.15 |
| Race-Pardee, Marta | \$893.04 | 0.10% | \$881.22 |
| Riederer, Dwight | \$486.58 | 0.06% | \$480.14 |
| Ritter, John | \$5,030.02 | 0.57% | \$4,963.44 |
| Robinson, Thomas | \$200.20 | 0.02% | \$197.55 |
| Shelton, Andrew | \$6,318.00 | 0.72% | \$6,234.37 |
| Shelton, Martin | \$16,622.00 | 1.89% | \$16,401.98 |
| Sidwell, John | \$2,104.00 | 0.24% | \$2,076.15 |
| Smith, Kenneth | \$27,868.00 | 3.17% | \$27,499.12 |
| Stepanenko, Victor | \$3,198.88 | 0.36% | \$3,156.54 |
| Stuart, Travis | \$6,718.00 | 0.76% | \$6,629.08 |
| Thynes, Derek | \$10,059.70 | 1.15% | \$9,926.54 |
| Warfel, Fank W. Jr. | \$113,284.58 | 12.90% | \$111,785.07 |
| Will ,Craig | \$3,176.00 | 0.36% | \$3,133.96 |

| | | | |
|-----------------------|---------------------|----------------|---------------------|
| Williams, Tony | \$2,972.00 | 0.34% | \$2,932.66 |
| Willis, Nico | \$3,103.05 | 0.35% | \$3,061.98 |
| Woodie, David | \$1,536.00 | 0.17% | \$1,515.67 |
| Young, Clyde | \$969.29 | 0.11% | \$956.46 |
| Total | \$878,400.07 | 100.00% | \$866,773.00 |

Compensation for this category was distributed proportional to the amount each payee earned.

Name = Payee

Money Earned= Total amount earned by individuals during the qualifying period (1989-1998)

% of total = Individual crew member's percentage of total earned in this category (individual money earned divided by total money earned)

Final Compensation Payout = Final compensation amount (% of total multiplied by total compensation for category)

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King Crab Crew Compensation

| Name | Money Earned | % of total | Total Compensation |
|--------------------|-------------------|----------------|--------------------|
| Burghduff, Bernice | \$6.10 | 0.06% | \$6.02 |
| Gilman, Lloyd | \$567.40 | 5.86% | \$560.20 |
| Mortenson, David | \$3,226.40 | 33.35% | \$3,185.45 |
| Nelson, Barbara | \$363.60 | 3.76% | \$358.98 |
| Nelson, Nicholas | \$767.30 | 7.93% | \$757.56 |
| Pukis, Brien | \$2,500.00 | 25.84% | \$2,468.27 |
| Pukis, Paul | \$2,244.00 | 23.19% | \$2,215.52 |
| Total | \$9,674.80 | 100.00% | \$9,552.00 |

Compensation for this category was distributed proportional to the amount each payee earned.

Name = Payee

Money Earned= Total amount earned by individuals during the qualifying period (1989-1998)

% of total = Individual crew member's percentage of total earned in this category (individual money earned divided by total money earned)

Final Compensation Payout = Final compensation amount (% of total multiplied by total compensation for category)

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Tanner Crab Pot Crew Compensation

Compensation for this category was distributed proportional to the amount each payee earned.

Name = Payee

Money Earned= Total amount earned by individuals during the qualifying period (1989-1998)

% of total = Individual crew member's percentage of total earned in this category (individual money earned divided by total money earned)

Final Compensation Payout = Final compensation amount (% of total multiplied by total compensation for category)

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| Name | Money Earned | % of total | Total Compensation |
|--------------------------|--------------|------------|--------------------|
| Bakkala, Norm | \$4,698.06 | 0.46% | \$4,663.66 |
| Barry, John | \$37,077.29 | 3.66% | \$36,805.79 |
| Biggness, Wayne | \$1,650.36 | 0.16% | \$1,638.28 |
| Birchell, Greg | \$25,914.80 | 2.56% | \$25,725.04 |
| Blake, Henry Jr. | \$5,913.31 | 0.58% | \$5,870.01 |
| Blake, Hughie | \$5,375.74 | 0.53% | \$5,336.38 |
| Blake, Paul M. | \$5,375.74 | 0.53% | \$5,336.38 |
| Bottleson, Bryan | \$3,922.57 | 0.39% | \$3,893.85 |
| Box, Steve | \$693.79 | 0.07% | \$688.71 |
| Brayton, Thomas | \$8,500.00 | 0.84% | \$8,437.76 |
| Buchkoski, Mark | \$540.40 | 0.05% | \$536.44 |
| Burnfield, Scott | \$8,081.78 | 0.80% | \$8,022.60 |
| Cadiente, Carl | \$28,195.90 | 2.79% | \$27,989.44 |
| Cadiente-Nelson, Barbara | \$4,539.60 | 0.45% | \$4,506.36 |
| Caples, Donald L. | \$12,198.44 | 1.21% | \$12,109.12 |
| Carlson, Alfred | \$4,441.15 | 0.44% | \$4,408.63 |
| Curtis, Troy | \$878.76 | 0.09% | \$872.33 |

| | | | |
|-----------------------------|-------------|-------|-------------|
| Dahl, Jerome Jr. | \$8,125.82 | 0.80% | \$8,066.32 |
| Dalton, Paul | \$6,598.14 | 0.65% | \$6,549.83 |
| D'Cafango, Stewart | \$5,417.20 | 0.54% | \$5,377.53 |
| Denkinger, Troy | \$24,304.88 | 2.40% | \$24,126.91 |
| Drollinger, Shane | \$2,130.77 | 0.21% | \$2,115.17 |
| Eichner, Ken | \$11,706.57 | 1.16% | \$11,620.85 |
| Eliason, Richard | \$2,004.29 | 0.20% | \$1,989.61 |
| Erickson, Arlon | \$8,121.99 | 0.80% | \$8,062.52 |
| Frentz, Stephen | \$30,529.69 | 3.02% | \$30,306.14 |
| Gilman, Lloyd | \$8,877.20 | 0.88% | \$8,812.20 |
| Grebe, David E | \$4,000.00 | 0.40% | \$3,970.71 |
| Gregg, Dina | \$1,837.90 | 0.18% | \$1,824.44 |
| Gross, William | \$3,336.30 | 0.33% | \$3,311.87 |
| Hallingstead, Jacob | \$26,070.84 | 2.58% | \$25,879.94 |
| Haltiner, Todd | \$8,857.00 | 0.88% | \$8,792.14 |
| Hashagen, Nicholas | \$4,056.18 | 0.40% | \$4,026.48 |
| Hill, Vernon | \$651.34 | 0.06% | \$646.57 |
| Hinchman, Jerald Sr. | \$709.84 | 0.07% | \$704.64 |
| Hinchman, John Jr. | \$4,433.52 | 0.44% | \$4,401.06 |
| Hodkinson, Douglas | \$37,331.77 | 3.69% | \$37,058.41 |
| Howe, Gregory | \$2,230.63 | 0.22% | \$2,214.30 |
| Howey, Bryan | \$41,325.00 | 4.08% | \$41,022.40 |
| Jeppson, Kenneth | \$9,641.20 | 0.95% | \$9,570.60 |
| Johnston, Bill | \$5,155.25 | 0.51% | \$5,117.50 |
| Joyce, Andrew B. | \$5,433.42 | 0.54% | \$5,393.63 |
| Karuza, Mark | \$40,821.00 | 4.03% | \$40,522.09 |
| Kegel, Erik | \$16,792.44 | 1.66% | \$16,669.48 |
| Kinney, Robert | \$6,086.51 | 0.60% | \$6,041.94 |
| Kirkman, Robert J. | \$1,068.76 | 0.11% | \$1,060.93 |
| Kivisto, Kurt | \$16,792.44 | 1.66% | \$16,669.48 |

| | | | |
|------------------------------|-------------|-------|-------------|
| Klepser, Donald | \$9,321.86 | 0.92% | \$9,253.60 |
| Knight, J. Andrew | \$9,813.05 | 0.97% | \$9,741.19 |
| Koerperich, Robert | \$20,886.02 | 2.06% | \$20,733.08 |
| Kuntz, Robert | \$19,456.75 | 1.92% | \$19,314.28 |
| Kvernivik, Ken | \$3,154.10 | 0.31% | \$3,131.00 |
| Laiti, Clarence A. | \$4,504.82 | 0.45% | \$4,471.83 |
| Lantiegne, Randy | \$7,739.40 | 0.76% | \$7,682.73 |
| Lapeyri, Brian | \$7,298.04 | 0.72% | \$7,244.60 |
| Lewis, Eric | \$8,464.37 | 0.84% | \$8,402.39 |
| Lewis, Garrett S. | \$10,989.76 | 1.09% | \$10,909.29 |
| Marifern, Bruce | \$40,407.09 | 3.99% | \$40,111.21 |
| Mason, Charles Jr. | \$2,109.28 | 0.21% | \$2,093.83 |
| Massey, Andrew | \$9,285.25 | 0.92% | \$9,217.26 |
| Midkiff, Joel | \$14,657.58 | 1.45% | \$14,550.25 |
| Miller, Steve | \$14,363.14 | 1.42% | \$14,257.97 |
| Morris, Lee | \$478.16 | 0.05% | \$474.66 |
| Nelson, Axel Jr. | \$6,932.70 | 0.69% | \$6,881.94 |
| Nelson, Nicholas J. | \$4,250.00 | 0.42% | \$4,218.88 |
| Nelson, Norval E. III | \$11,442.10 | 1.13% | \$11,358.32 |
| Olson, Helmer W. | \$976.22 | 0.10% | \$969.07 |
| Ostman, Johnse | \$14,506.00 | 1.43% | \$14,399.78 |
| Parr, Hunt | \$3,154.10 | 0.31% | \$3,131.00 |
| Peeler, Alfred | \$1,954.27 | 0.19% | \$1,939.96 |
| Phillips, James D. | \$1,000.00 | 0.10% | \$992.68 |
| Phillips, James E. | \$7,486.32 | 0.74% | \$7,431.50 |
| Place, Aaron C. | \$15,626.83 | 1.54% | \$15,512.40 |
| Place, Christopher | \$17,401.17 | 1.72% | \$17,273.75 |
| Pryse, Dan | \$2,130.77 | 0.21% | \$2,115.17 |
| Rocheleau, Rick | \$27,232.00 | 2.69% | \$27,032.59 |
| Rotecki, William | \$7,750.35 | 0.77% | \$7,693.60 |

| | | | |
|------------------------------|-----------------------|----------------|-----------------------|
| Skrzynski, David A. | \$17,729.10 | 1.75% | \$17,599.28 |
| Sommerville, Dave | \$34,248.70 | 3.38% | \$33,997.92 |
| Stepanenko, Victor | \$29,156.48 | 2.88% | \$28,942.98 |
| Stickler, James | \$3,336.30 | 0.33% | \$3,311.87 |
| Strickland, Ralph Jr. | \$52,125.75 | 5.15% | \$51,744.06 |
| Stromme, Steve | \$1,597.62 | 0.16% | \$1,585.92 |
| Thomassen, Jay R. | \$59,945.78 | 5.92% | \$59,506.83 |
| Whitethorn, Luke | \$3,379.87 | 0.33% | \$3,355.12 |
| Willey, Sheryl L. | \$3,188.10 | 0.32% | \$3,164.76 |
| Total | \$1,011,924.78 | 100.00% | \$1,004,515.00 |

Compensation for this category was distributed proportional to the amount each payee earned.

Name = Payee

Money Earned= Total amount earned by individuals during the qualifying period (1989-1998)

% of total = Individual crew member's percentage of total earned in this category (individual money earned divided by total money earned)

Final Compensation Payout = Final compensation amount (% of total multiplied by total compensation for category)

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Tanner Crab Ring Net Crew Compensation

| Name | Money Earned | % of total | Total Compensation |
|--------------------|-------------------|----------------|--------------------|
| Burghduff, Bernice | \$352.65 | 4% | \$347.82 |
| Erickson, Jay L. | \$526.50 | 5% | \$519.29 |
| Farley, Uegene | \$693.67 | 7% | \$684.17 |
| Byrnes, Andrea | \$940.00 | 9% | \$927.13 |
| Barry, David | \$1,768.00 | 18% | \$1,743.80 |
| Damron, Charlotte | \$5,714.00 | 57% | \$5,635.78 |
| Total | \$9,994.82 | 100.00% | \$9,858.00 |

Compensation for this category was distributed proportional to the amount each payee earned.

Name = Payee

Money Earned= Total amount earned by individuals during the qualifying period (1989-1998)

% of total = Individual crew member's percentage of total earned in this category (individual money earned divided by total money earned)

Final Compensation Payout = Final compensation amount (% of total multiplied by total compensation for category)

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Salmon Troll Crew Compensation

| Name | Money Earned | % of total | Total Compensation |
|--------------------|-------------------|----------------|--------------------|
| Damron, Charlotte | \$615.00 | 8.95% | \$606.66 |
| Dybdahl, Johan | \$813.76 | 11.84% | \$802.73 |
| Erickson, Mary J. | \$2,771.67 | 40.33% | \$2,734.10 |
| Ohlson, Jeanne | \$1,364.60 | 19.85% | \$1,346.10 |
| Peterson, Marjorie | \$1,274.14 | 18.54% | \$1,256.87 |
| Strong, Zeb | \$34.00 | 0.49% | \$33.54 |
| Total | \$6,873.17 | 100.00% | \$6,780.00 |

Compensation for this category was distributed proportional to the amount each payee earned.

Name = Payee

Money Earned= Total amount earned by individuals during the qualifying period (1989-1998)

% of total = Individual crew member's percentage of total earned in this category (individual money earned divided by total money earned)

Final Compensation Payout = Final compensation amount (% of total multiplied by total compensation for category)

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Dungeness Crab Processors Compensation

| Processor | Total \$ Earned | % of total | Total Compensation |
|---------------------------|-----------------------|-----------------|-----------------------|
| Point Adolphus Seafoods | N/A | N/A | \$543,368.42 |
| | | Subtotal | \$1,018,864.58 |
| Strawberry Point Seafoods | \$520.00 | 0.05% | \$509.52 |
| Taku Fisheries | \$43,856.00 | 4.22% | \$42,972.17 |
| Icy Passages Fish | \$300,212.00 | 28.87% | \$294,161.85 |
| Pelican Seafoods | \$695,232.00 | 66.86% | \$681,221.04 |
| Total | \$1,039,820.00 | 100.00% | \$1,562,233.00 |

Upon adoption of the hearing officer's recommendation, Point Adolphus Seafoods was awarded a lump sum payment in this category based on gross profit figures determined by the superintendent. The lump sum payment was deducted from the Final Payout amount in this category. Based on that deduction, a subtotal was determined. Processors' final compensation in this category is based on proportional distribution of the SUBTOTAL amount.

Name = Payee

Total \$ Earned= Total amount earned by processors during the qualifying period (1989-1998)

% of total = Processor's percentage of total \$ earned excluding Pt. Adolphus Seafoods (processor's \$ earned divided by \$1,039,820)

Final Compensation Payout = Final compensation amount (% of total multiplied by amount of compensation remaining (\$1,018,864.58) after Pt. Adolphus Seafoods was paid.

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Groundfish Processors Compensation

| Processor | Total \$ Earned | % of total | Total Compensation |
|-------------------------|-------------------|----------------|--------------------|
| Excursion Inlet Packing | \$1,041.52 | 15.63% | \$1,028.62 |
| Hoonah Cold Storage | \$5,623.00 | 84.37% | \$5,553.38 |
| Total | \$6,664.52 | 100.00% | \$6,582.00 |

Compensation for this category was distributed proportional to the amount each payee earned.

Name = Payee

Total \$ Earned= Total amount earned by processors during the qualifying period (1989-1998)

% of total = Processor's percentage of total earned in this category (individual money earned divided by total money earned)

Final Compensation Payout = Final compensation amount (% of total multiplied by total compensation for category)

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Halibut Processors Compensation

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| Processor | Total \$ Earned | % of total | Total Compensation |
|-------------------------|-------------------|-----------------|---------------------|
| Point Adolphus Seafoods | N/A | N/A | \$177,225.94 |
| | | Subtotal | \$814,481.06 |
| Petersburg Fisheries | 14,254.00 | 1.72% | \$14,024.92 |
| Dejon Delights | 371.00 | 0.04% | \$365.04 |
| Buy N Pack Seafoods | 4,007.00 | 0.48% | \$3,942.60 |
| Bell's seafood | 7,711.51 | 0.93% | \$7,587.58 |
| Icy Passages Fish | 46,885.00 | 5.66% | \$46,131.50 |
| Taku Fisheries | 60,509.00 | 7.31% | \$59,536.55 |
| Pelican Seafoods | 73,272.00 | 8.85% | \$72,094.43 |
| Excursion Inlet Packing | 118,483.00 | 14.31% | \$116,578.84 |
| Hoonah Cold Storage | 502,292.00 | 60.68% | \$494,219.59 |
| | 827,784.51 | 100.00% | \$991,707.00 |

Upon adoption of the hearing officer's recommendation, Point Adolphus Seafoods was awarded a lump sum payment in this category based on gross profit figures determined by the superintendent. The lump sum payment was deducted from the Final Payout amount in this category. Based on that deduction, a subtotal was determined. Processors' final compensation in this category is based on proportional distribution of the SUBTOTAL amount.

Name = Payee

Total \$ Earned = Total amount earned by processors during the qualifying period (1989-1998)

% of total = Processor's percentage of total \$ earned excluding Pt. Adolphus Seafoods (processor's \$ earned divided by \$827,784.51)

Final Compensation Payout = Final compensation amount (% of total multiplied by amount of compensation remaining after Pt. Adolphus Seafoods was paid (\$814,481.06))

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King Crab Processors Compensation

| Processor | Gross Profit | % of total | Total Compensation |
|--------------------------|--------------------|----------------|--------------------|
| Pelican Seafoods | \$27.00 | 0.23% | \$26.64 |
| Norquest Seafoods | \$97.00 | 0.83% | \$95.72 |
| Petersburg Fisheries | \$416.00 | 3.57% | \$410.52 |
| Quality Alaskan Seafoods | \$11,119.50 | 95.37% | \$10,973.11 |
| Total | \$11,659.50 | 100.00% | \$11,506.00 |

Compensation for this category was distributed proportional to the amount each payee earned.

Name = Payee

Gross Profit = Total amount earned by processors during the qualifying period (1989-1998)

% of total = Processor's percentage of total earned in this category (individual money earned divided by total money earned)

Final Compensation Payout = Final compensation amount (% of total multiplied by total compensation for category)

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Tanner Crab Pot Processors Compensation

| Processor | Total \$ Earned | % of total | Total Compensation |
|----------------------|---------------------|----------------|-----------------------|
| Taku Fisheries | 74,994.00 | 3.65% | \$74,001.32 |
| Norquest Seafoods | 77,442.00 | 3.77% | \$76,416.92 |
| Petersburg Fisheries | 704,940.00 | 34.28% | \$695,608.85 |
| Hoonah Cold Storage | 1,013,122.00 | 49.26% | \$999,711.50 |
| Pelican Seafoods | 186,192.00 | 9.05% | \$183,727.41 |
| Total | 2,056,690.00 | 100.00% | \$2,029,466.00 |

Compensation for this category was distributed proportional to the amount each payee earned.

Name = Payee

Total \$ Earned= Total amount earned by processors during the qualifying period (1989-1998)

% of total = Processor's percentage of total earned in this category (individual money earned divided by total money earned)

Final Compensation Payout = Final compensation amount (% of total multiplied by total compensation for category)

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Tanner Crab Ring Net Processors Compensation

| Processor | Total \$ Earned | % of total | Total Compensation |
|-------------------------|--------------------|-----------------|---------------------|
| Point Adolphus Seafoods | N/A | N/A | \$88,482.50 |
| | | Subtotal | \$74,293.50 |
| Icy Passages Fish | \$15,468.00 | 20.22% | \$15,025.00 |
| Petersburg Fisheries | \$5,515.00 | 7.21% | \$5,357.05 |
| Hoonah Cold Storage | \$55,501.00 | 72.57% | \$53,911.45 |
| Total | \$76,484.00 | 100.00% | \$162,776.00 |

Upon adoption of the hearing officer's recommendation, Point Adolphus Seafoods was awarded a lump sum payment in this category based on gross profit figures determined by the superintendent. The lump sum payment was deducted from the Final Payout amount in this category. Based on that deduction, a subtotal was determined. Processors' final compensation in this category is based on proportional distribution of the SUBTOTAL amount.

Name = Payee

Total \$ Earned = Total amount earned by processors during the qualifying period (1989-1998)

% of total = Processor's percentage of total \$ earned excluding Pt. Adolphus Seafoods (processor's \$ earned divided by \$76,484)

Final Compensation Payout = Final compensation amount: % of total multiplied by amount of compensation remaining after Pt. Adolphus Seafoods was paid (\$74,293.50)

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Salmon Troll Processors Compensation

| Processor | Total \$ Earned | % of total | Total Compensation |
|-------------------------|--------------------|-----------------|--------------------|
| Point Adolphus Seafoods | N/A | N/A | \$61,817.78 |
| | | Subtotal | \$24,918.22 |
| Hoonah Cold Storage | \$23,667.42 | 90.74% | \$22,610.76 |
| Alaska Wildfish | \$192.29 | 0.74% | \$183.71 |
| Buy N Pack Seafoods | \$1,603.00 | 6.15% | \$1,531.43 |
| Icy Passages Fish | \$620.00 | 2.38% | \$592.32 |
| Total | \$26,082.71 | 100.00% | \$86,736.00 |

Upon adoption of the hearing officer's recommendation, Point Adolphus Seafoods was awarded a lump sum payment in this category based on gross profit figures determined by the superintendent. The lump sum payment was deducted from the Final Payout amount in this category. Based on that deduction, a subtotal was determined. Processors' final compensation in this category is based on proportional distribution of the SUBTOTAL amount.

Name = Payee

Total \$ Earned= Total amount earned by processors during the qualifying period (1989-1998)

% of total = Processor's percentage of total \$ earned excluding Pt. Adolphus Seafoods (processor's \$ earned divided by \$26,082.71)

Final Compensation Payout = Final compensation amount (% of total multiplied by amount of compensation remaining after Pt. Adolphus Seafoods was paid (\$24,918.22))

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Processor Employee Compensation

Compensation for this category was distributed proportional to the amount each payee earned.

Name = Payee

Total \$ Earned = Total amount earned by individuals during the qualifying period (1989-1998)

% of total = Individual's percentage of total earned in this category (individual money earned divided by total money earned)

Final Compensation Payout = Final compensation amount (% of total multiplied by total compensation for category)

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| Name | Total \$ Earned | % of Total | Compensation |
|--------------------|-----------------|------------|--------------|
| Anselm, Carl | \$5,751.46 | 1.403% | \$5,505.27 |
| Armstrong, Jeffrey | \$47.62 | 0.012% | \$45.58 |
| Audette, Armand | \$951.99 | 0.232% | \$911.24 |
| Baird, John | \$3,694.52 | 0.901% | \$3,536.38 |
| Baldwin, Cary | \$3,249.55 | 0.792% | \$3,110.45 |
| Bales, Kwan | \$976.02 | 0.238% | \$934.24 |
| Barkfelt, William | \$749.31 | 0.183% | \$717.24 |
| Barrios, Jolene | \$2,504.05 | 0.611% | \$2,396.87 |
| Barry, Terrence | \$75,689.34 | 18.458% | \$72,449.48 |
| Batman, Kathy | \$1,462.74 | 0.357% | \$1,400.13 |
| Bowen, Barbara | \$2,343.85 | 0.572% | \$2,243.52 |
| Bowen, Dave | \$997.07 | 0.243% | \$954.39 |
| Burgner, Paula | \$1,008.43 | 0.246% | \$965.26 |
| Byers, Jerry | \$12,200.37 | 2.975% | \$11,678.14 |
| Byrnes, Andrea | \$26,425.18 | 6.444% | \$25,294.06 |
| Cardenas, Abel | \$1,424.78 | 0.347% | \$1,363.79 |
| Castle, David | \$46,000.00 | 11.218% | \$44,030.99 |
| Currier, Erika | \$920.24 | 0.224% | \$880.85 |

| | | | |
|------------------------------|-------------|--------|------------|
| Curtiss, Vicki | \$2,281.61 | 0.556% | \$2,183.95 |
| Davis, Steve | \$1,836.33 | 0.448% | \$1,757.73 |
| Elton, Derrick | \$1,687.52 | 0.412% | \$1,615.29 |
| Elton, Erik | \$2,659.87 | 0.649% | \$2,546.02 |
| Enge, Ivar | \$1,397.61 | 0.341% | \$1,337.79 |
| Eudave, Jose | \$667.59 | 0.163% | \$639.01 |
| Eyon, Gareth | \$1,335.33 | 0.326% | \$1,278.17 |
| Faamausili, Taulagi | \$406.83 | 0.099% | \$389.42 |
| Foley, Denali | \$10,106.00 | 2.465% | \$9,673.42 |
| Gullstrand, Jerry | \$2,251.12 | 0.549% | \$2,154.76 |
| Haggerty, Steve | \$1,563.95 | 0.381% | \$1,497.01 |
| Haley, William | \$2,667.12 | 0.650% | \$2,552.95 |
| Hicks, Kenneth | \$2,909.27 | 0.709% | \$2,784.74 |
| Hisaw, Melanie | \$501.28 | 0.122% | \$479.82 |
| House, Trina | \$759.07 | 0.185% | \$726.58 |
| Howell, Sharon | \$674.66 | 0.165% | \$645.78 |
| Janke, Judy | \$1,284.59 | 0.313% | \$1,229.60 |
| Jennings, Robert | \$5,905.43 | 1.440% | \$5,652.65 |
| Jones, Dennis | \$2,765.83 | 0.674% | \$2,647.44 |
| Kim, Hyo Rye | \$1,387.23 | 0.338% | \$1,327.85 |
| Krone, Andy | \$2,745.10 | 0.669% | \$2,627.60 |
| Lampe, Robert | \$2,213.07 | 0.540% | \$2,118.34 |
| Laux, Michael | \$3,129.75 | 0.763% | \$2,995.78 |
| Lee, Dho Won | \$869.54 | 0.212% | \$832.32 |
| Lee, Tong Hwi (Keith) | \$249.17 | 0.061% | \$238.50 |
| Lesh, Dan | \$241.64 | 0.059% | \$231.30 |
| Lesh, Jeffrey | \$83.89 | 0.020% | \$80.30 |
| Lesh, Joseph | \$1,204.31 | 0.294% | \$1,152.76 |
| Lindsey, Marcia | \$861.79 | 0.210% | \$824.90 |
| Luft, Mike | \$1,054.44 | 0.257% | \$1,009.31 |

| | | | |
|------------------------------|-------------|--------|-------------|
| Lundahl, Tamara | \$151.19 | 0.037% | \$144.72 |
| Mageo, Lauoi Jr. | \$1,430.54 | 0.349% | \$1,369.31 |
| Martin-Webster, Karen | \$926.75 | 0.226% | \$887.08 |
| McConnell, Mary | \$4,363.08 | 1.064% | \$4,176.32 |
| McKay, Daniel | \$3,519.81 | 0.858% | \$3,369.15 |
| McKay, Richard Jr. | \$2,868.17 | 0.699% | \$2,745.40 |
| McKay, Richard Sr. | \$764.75 | 0.186% | \$732.02 |
| McPhail, Robert | \$103.23 | 0.025% | \$98.81 |
| Menichelli, Peter | \$417.12 | 0.102% | \$399.27 |
| Midkiff, Nathan | \$2,496.64 | 0.609% | \$2,389.77 |
| Miles, Suzanne | \$1,597.08 | 0.389% | \$1,528.72 |
| Milligan, Michael | \$2,150.31 | 0.524% | \$2,058.27 |
| Narraway, Charles | \$1,933.59 | 0.472% | \$1,850.82 |
| Norman, Eric | \$16,270.59 | 3.968% | \$15,574.13 |
| Oliver, Tina | \$433.95 | 0.106% | \$415.37 |
| Ostrus, Kimberlee | \$1,515.32 | 0.370% | \$1,450.46 |
| Paddock, William | \$10,584.48 | 2.581% | \$10,131.42 |
| Pilapil, Olivier | \$1,174.93 | 0.287% | \$1,124.64 |
| Ponce, Raul | \$2,246.77 | 0.548% | \$2,150.60 |
| Pukis, Brien | \$2,809.40 | 0.685% | \$2,689.14 |
| Quezon, Arvin | \$296.17 | 0.072% | \$283.49 |
| Randrup, Jeff | \$1,879.99 | 0.458% | \$1,799.52 |
| Randrup, Melva | \$354.19 | 0.086% | \$339.03 |
| Reischling, Katy | \$1,802.38 | 0.440% | \$1,725.23 |
| Riemann, Scott | \$378.65 | 0.092% | \$362.44 |
| Roberts, Lori | \$1,033.03 | 0.252% | \$988.81 |
| Rodriguez, Eunice | \$507.99 | 0.124% | \$486.25 |
| Rodriguez, Heather | \$227.08 | 0.055% | \$217.36 |
| Rodriguez, Rudy | \$470.45 | 0.115% | \$450.31 |
| Ryther, Brian | \$69.19 | 0.017% | \$66.23 |

| | | | |
|------------------------------|---------------------|-----------------|---------------------|
| Schoonover, Neta Jane | \$12,801.15 | 3.122% | \$12,253.20 |
| Shay, Timothy | \$2,388.27 | 0.582% | \$2,286.04 |
| Smith, Karen | \$6,142.89 | 1.498% | \$5,879.95 |
| Sosa, Sergio | \$659.33 | 0.161% | \$631.11 |
| Strahm, William | \$11,748.28 | 2.865% | \$11,245.40 |
| Thynes, Jeanne | \$526.29 | 0.128% | \$503.76 |
| Vasquez, Lucia | \$673.71 | 0.164% | \$644.87 |
| Versteeg, Waldine | \$598.36 | 0.146% | \$572.75 |
| Voeller, Dominic | \$10,295.16 | 2.511% | \$9,854.48 |
| Voeller, James | \$19,259.79 | 4.697% | \$18,435.38 |
| Volk, Edward | \$1,583.84 | 0.386% | \$1,516.04 |
| Ware, Shelley | \$1,508.82 | 0.368% | \$1,444.24 |
| Webster, Darrell | \$1,147.12 | 0.280% | \$1,098.02 |
| Whitmarsh, Louisa | \$4,259.58 | 1.039% | \$4,077.25 |
| Whitmarsh, Thomas | \$12,290.95 | 2.997% | \$11,764.84 |
| Wilson, Patrick | \$4,174.27 | 1.018% | \$3,995.59 |
| Woods, Glen | \$10,544.80 | 2.572% | \$10,093.43 |
| Yap, Marivic | \$580.47 | 0.142% | \$555.62 |
| Total | \$410,057.36 | 100.000% | \$392,505.00 |

Compensation for this category was distributed proportional to the amount each payee earned.

Name = Payee

Total \$ Earned = Total amount earned by individuals during the qualifying period (1989-1998)

% of total = Individual's percentage of total earned in this category (individual money earned divided by total money earned)

Final Compensation Payout = Final compensation amount (% of total multiplied by total compensation for category)

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Support Business Compensation

Compensation for this category was distributed proportional to the amount each payee earned from Glacier Bay fishing-related business.

Total GB \$ Earned = Total amount earned by each business during the qualifying period (1989-1998)

% of total = Individual business' percentage of total earned in this category (individual money earned divided by total money earned)

Final Compensation Payout = Final compensation amount (% of total multiplied by total compensation for category)

| Name | Owner's Name/Pay To | City | Total GB \$ Earned | % of Total | Total Compensation |
|-----------------------------|---------------------|----------------|--------------------|------------|--------------------|
| Aase, Kenneth Estate of | | Seward | \$189,629.90 | 11.30% | \$195,076.95 |
| Air Excursions | Michael L. Loverink | Gustavus, AK | \$108,355.11 | 6.46% | \$111,467.57 |
| Alaska Seaplane Service | Craig Loken | Juneau, AK | \$32,742.65 | 1.95% | \$33,683.17 |
| Alaska Ship Chandlers, Inc. | Peter Bernstein | Juneau, AK | \$3,490.60 | 0.21% | \$3,590.87 |
| Blake, Hughie R. | | Sitka, AK | \$29,198.38 | 1.74% | \$30,037.09 |
| Boardwalk Bed and Boat | James S. Daniels | | \$4,807.20 | 0.29% | \$4,945.29 |
| Christenson, Charles | | Petersburg, AK | \$2,082.50 | 0.12% | \$2,142.32 |
| Cyan Fisheries, Inc. | Troy Denkinger | Sitka, AK | \$56,444.00 | 3.36% | \$58,065.33 |
| D & L Woodworks | Dan & Lori Fanning | Hoonah, AK | \$39,584.19 | 2.36% | \$40,721.23 |

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| | | | | | |
|---|-----------------------|----------------|-------------|-------|--------------|
| Dave Automotive Marine Repair & Welding | Dave Bowen | Hoonah, AK | \$531.07 | 0.03% | \$546.32 |
| D'Cafango, Stewart | | Juneau, AK | \$178.82 | 0.01% | \$183.96 |
| Decker, Craig D. | | Wrangell, AK | \$1,602.38 | 0.10% | \$1,648.41 |
| Edson, Jim | | Sitka, AK | \$8,359.33 | 0.50% | \$8,599.44 |
| F/V Cobra, Inc. | Vandor, Ed | Juneau, AK | \$34,761.38 | 2.07% | \$35,759.89 |
| F/V Keta | Howe, Gregory | Elfin Cove, AK | \$19,360.33 | 1.15% | \$19,916.45 |
| F/V Savage | Tomi Marsh | Ketchikan, AK | \$19,678.94 | 1.17% | \$20,244.21 |
| Flashworks | Stewart Ely | Pelican, AK | \$455.25 | 0.03% | \$468.33 |
| Flynn, Lawrence | | Deming, Wa | \$34,525.00 | 2.06% | \$35,516.72 |
| Gilman, Lloyd | | Haines, AK | \$8,158.00 | 0.49% | \$8,392.34 |
| Gus's Marine Storage Facility | Vera & Alf Skaflestad | Hoonah, AK | \$14,788.34 | 0.88% | \$15,213.13 |
| Gustavus Inn | David Lesh | Gustavus, AK | \$3,362.90 | 0.20% | \$3,459.50 |
| Gustavus Propane Co. | John Scott | Gustavus, AK | \$35,503.30 | 2.12% | \$36,523.12 |
| Gusto Building Supply | Timothy & Ann Gibson | | \$99,292.20 | 5.92% | \$102,144.33 |
| Haines Fisheries | Stanley Wood | Haines, AK | \$5,530.05 | 0.33% | \$5,688.90 |
| Harbor Marine | Greg Garrison | Hoonah, AK | \$34,992.98 | 2.09% | \$35,998.14 |
| Harbor Way Parts | Sandra & Philip Meeks | Petersburg, AK | \$2,255.42 | 0.13% | \$2,320.21 |

| | | | | | |
|---|---------------------------------|-------------------|-------------|-------|-------------|
| Holgate, Donald W. | | Haines, AK | \$68,600.96 | 4.09% | \$70,571.50 |
| Ihnat, Frank D. | | | \$3,091.00 | 0.18% | \$3,179.79 |
| J & N Fisheries, Inc. | Rudolph Johanson | Ketchikan, AK | \$59,675.73 | 3.56% | \$61,389.89 |
| K & W Co. | John Scott | Gustavus, AK | \$22,402.20 | 1.34% | \$23,045.69 |
| Ken Eichner | | Ketchikan, AK | \$50,746.16 | 3.02% | \$52,203.82 |
| LAB Flying Serice, Inc. | Layton A. Bennett | Haines, AK | \$197.65 | 0.01% | \$203.33 |
| Larson, James L. | | | \$17,851.62 | 1.06% | \$18,364.40 |
| Lisianski Inlet Cafe | Victor & Karen Stepanenko | Pelican, AK | \$6,644.38 | 0.40% | \$6,835.24 |
| Lundahl, Tamara I. | | Pelican, AK | \$227.56 | 0.01% | \$234.10 |
| Mary's Settlement Service | Mary Covington | | \$2,341.78 | 0.14% | \$2,409.05 |
| McCay, Bert | | Wrangell, AK | \$81,193.81 | 4.84% | \$83,526.07 |
| McFadden Shipwright | David McFadden | Petersburg, AK | \$275.73 | 0.02% | \$283.65 |
| Moore, Joshua | | Haines, AK | \$36,245.83 | 2.16% | \$37,286.98 |
| Mt. Fairweather Golf Course | Morgan DeBoer | Gustavus, AK | \$2,000.00 | 0.12% | \$2,057.45 |
| Osborne, Arthur B - Tendering Business | | Juneau, AK | \$9,554.42 | 0.57% | \$9,828.87 |
| Osborne, Arthur B _ Boat Lease | | Juneau, AK | \$14,594.73 | 0.87% | \$15,013.96 |

| | | | | | |
|------------------------------|-------------------------|----------------|--------------|--------|--------------|
| Panhandle Diesel and Auto | Eugene Farley | | \$20,734.69 | 1.24% | \$21,330.29 |
| Pelican Bar And Grill | Michael & Vicky Shockey | Pelican, AK | \$18,935.01 | 1.13% | \$19,478.91 |
| Pelican Seafoods | Duff W. Mitchell | Pelican, AK | \$193,011.00 | 11.50% | \$198,555.17 |
| Pelican Wet Goods | Bradley V. Padon | Pelican, AK | \$8,164.58 | 0.49% | \$8,399.10 |
| Phillips, James E. | | Pelican, AK | \$18,301.00 | 1.09% | \$18,826.69 |
| Pukis, Lloyd | | Tacoma, WA | \$17,654.96 | 1.05% | \$18,162.09 |
| Rickey and Associates | Stuart Rickey | Juneau, AK | \$23,084.00 | 1.38% | \$23,747.08 |
| Rosvold, Eric | | Petersburg, AK | \$15,583.79 | 0.93% | \$16,031.43 |
| Sepel & Sons Marine Surveyor | George Sepel | Juneau, AK | \$2,650.52 | 0.16% | \$2,726.66 |
| Star of the Sea, Inc. | Norval E. Nelson, Jr. | Juneau, AK | \$21,210.00 | 1.26% | \$21,819.25 |
| Thomassen, Jay R. | | Seward | \$52,512.61 | 3.13% | \$54,021.02 |
| Tideland Tackle & Marine | Dave E. Austin | Hoonah, AK | \$187.14 | 0.01% | \$192.51 |
| Tina's Room & Rental | Grant & Venita Coutlee | Hoonah, AK | \$185.71 | 0.01% | \$191.04 |
| Traibush, Thomas A. | | Gustavus, AK | \$38,185.00 | 2.28% | \$39,281.85 |
| Viking Spirit, Inc. | Dean Haltiner | Petersburg, AK | \$25,359.60 | 1.51% | \$26,088.05 |
| Whisper Construction | Douglas R. Oglivy | Gustavus, AK | \$6,017.00 | 0.36% | \$6,189.84 |
| Whisper Marine | Douglas R. Oglivy | Gustavus, AK | \$31,826.32 | 1.90% | \$32,740.51 |

| | | | | | |
|-------------------------|------------|----------------|-----------------------|----------------|-----------------------|
| Wikan Enterprises, Inc. | John Wikan | Petersburg, AK | \$2,171.30 | 0.13% | \$2,233.67 |
| Willis, Roy A. | | Juneau, AK | \$12,810.00 | 0.76% | \$13,177.96 |
| Worrell, Kenny | | Hoonah, AK | \$4,000.00 | 0.24% | \$4,114.90 |
| Totals | | | \$1,677,898.00 | 100.00% | \$1,726,095.00 |

Compensation for this category was distributed proportional to the amount each payee earned from Glacier Bay fishing-related business.

Total GB \$ Earned = Total amount earned by each business during the qualifying period (1989-1998)

% of total = Individual business' percentage of total earned in this category (individual money earned divided by total money earned)

Final Compensation Payout = Final compensation amount (% of total multiplied by total compensation for category)

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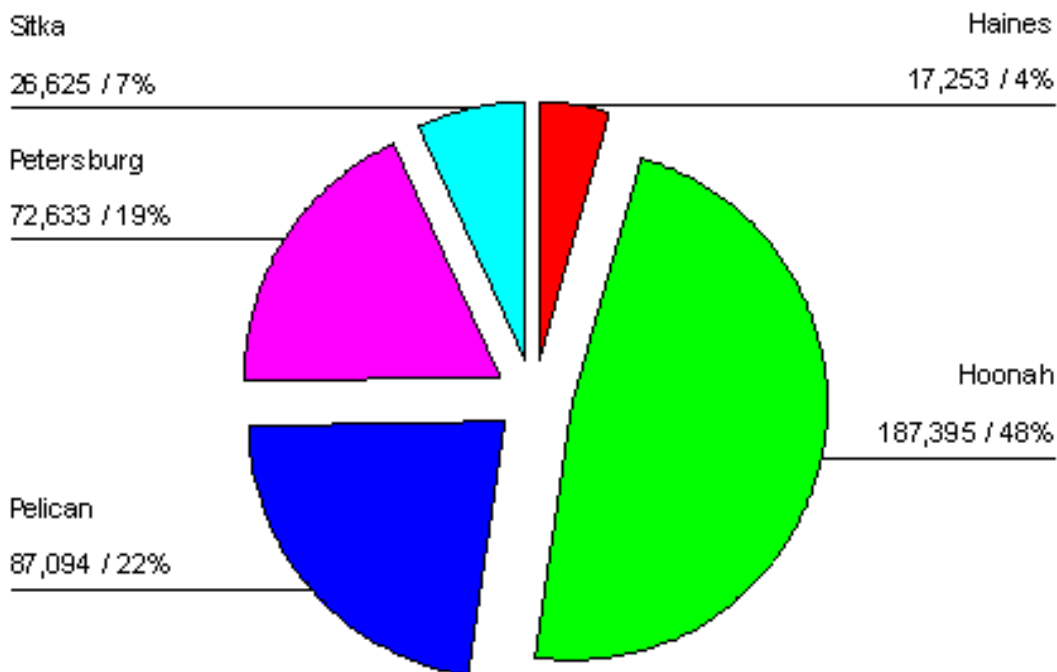
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Fish Tax Revenue Compensation

GLBA Fisheries Compensation Program

Fish Tax Revenue Final Payout (\$391,000)



| Community | GLBA Fish Tax Received | % of Total | Total Compensation |
|--------------|------------------------|----------------|---------------------|
| Haines | \$4,923.00 | 4.41% | \$17,253.36 |
| Hoonah | \$53,470.49 | 47.93% | \$187,395.02 |
| Pelican | \$24,851.03 | 22.27% | \$87,094.01 |
| Petersburg | \$20,724.74 | 18.58% | \$72,632.83 |
| Sitka | \$7,597.00 | 6.81% | \$26,624.78 |
| Total | \$111,566.26 | 100.00% | \$391,000.00 |

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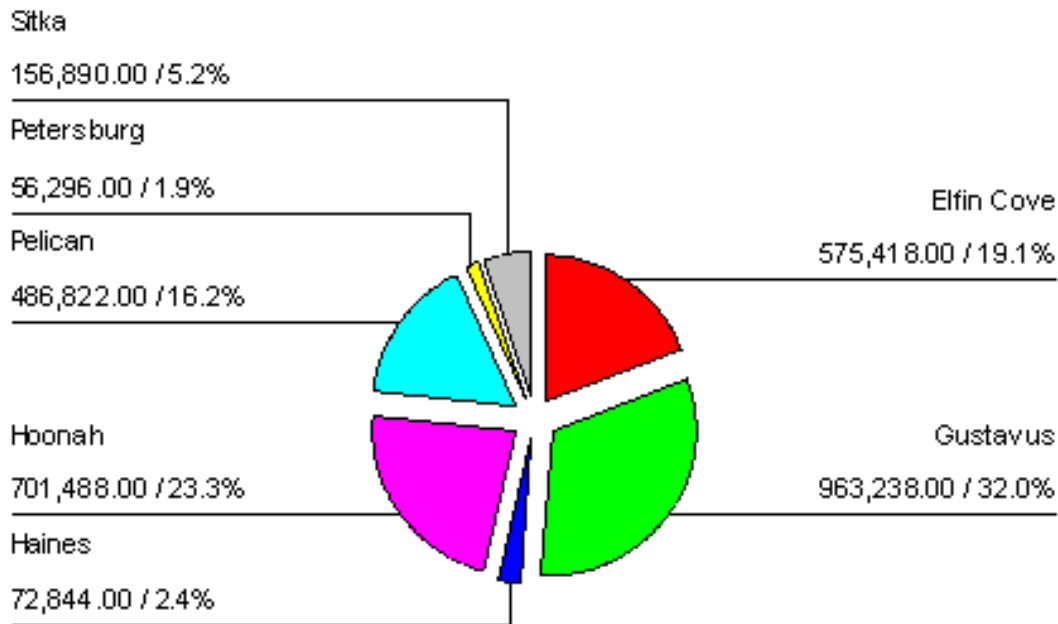
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Communities Compensation

GLBA Fisheries Compensation Program

Community Compensation



| Community | Proximity | GLBA Fishers | GLBA Catch | GLBA Processing | Total Points | % of Total | Total Compensation |
|------------|-----------|--------------|------------|-----------------|--------------|------------|--------------------|
| Elfin Cove | 83 | 17.15 | 1.04 | 0 | 101.19 | 19.10% | \$575,418.46 |
| Gustavus | 93 | 11.9 | 20.08 | 44.41 | 169.39 | 31.97% | \$963,238.78 |
| Haines | 0 | 12.25 | 0.35 | 0.21 | 12.81 | 2.42% | \$72,844.26 |
| Hoonah | 75 | 40.85 | 0.96 | 6.55 | 123.36 | 23.28% | \$701,488.50 |
| Pelican | 65 | 16.65 | 1.23 | 2.73 | 85.61 | 16.16% | \$486,822.55 |
| Petersburg | 0 | 9.6 | 0.14 | 0.16 | 9.9 | 1.87% | \$56,296.50 |
| Sitka | 0 | 27.3 | 0.14 | 0.15 | 27.59 | 5.21% | \$156,890.95 |

| | | | | | | | |
|--------------|--|--|--|--|---------------|----------------|-----------------------|
| Total | | | | | 529.85 | 100.00% | \$3,013,000.00 |
|--------------|--|--|--|--|---------------|----------------|-----------------------|

Please note: Points relate *only* to commercial fisheries in Glacier Bay during the qualifying period (1989-1998). Please refer to the **compensation plan** for more information.

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Fishing Compensation Supplemental Payments

GLBA Fisheries Compensation Program Supplemental Payments Justification

The final compensation amounts previously determined for Processor Employees and Dungeness Crab Processors were based on proportional allocation ratios among the various compensation categories. The allocation ratios (annual earnings divided by payout) were intended to basically be the same for each compensation category. However, administrative corrections within individual categories subsequent to allocation resulted in slightly varying allocation ratios between categories at the time final compensation was determined. To bring proportional distribution ratios into parity, supplemental compensation is being provided for the Processor Employee and Dungeness Processor compensation categories. Supplemental compensation is being provided from remaining funds used to administer the Compensation Program.

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| Permit Holders | Ratio % | Difference | Adjustments |
|----------------|---------|------------|-------------|
| Dungeness | 9.8676 | None | None |
| Ground Fish | 9.8676 | None | None |
| Halibut | 9.8676 | None | None |
| King Crab | 9.8677 | +0.0001 | None |
| Tanner Pot | 9.8676 | None | None |
| Tanner Ring | 9.8676 | None | None |
| Troll | 9.8676 | None | None |

| Vessel Crew | Ratio % | Difference | Adjustments |
|-------------|---------|------------|-------------|
| Dungeness | 9.8676 | None | None |
| Ground Fish | 9.8670 | -0.0006 | None |
| Halibut | 9.8676 | None | None |
| King Crab | 9.8678 | +0.0002 | None |
| Tanner Pot | 9.9268 | +0.0592 | None |
| Tanner Ring | 9.8631 | -0.0045 | None |

| | | | |
|--------------------|----------------|-------------------|--------------------|
| Troll | 9.8690 | +0.0014 | None |
| Processors | Ratio % | Difference | Adjustments |
| Dungeness | 9.7985 | -.0691 | \$ 7,125.81 |
| Ground Fish | 9.8681 | +0.0005 | None |
| Halibut | 9.8676 | None | None |
| King Crab | 9.8679 | +0.0003 | None |
| Tanner Pot | 9.8676 | None | None |
| Tanner Ring | 9.8676 | None | None |
| Troll | 9.8676 | None | None |

| Category | Ratio % | Difference | Adjustments |
|--------------------------------------|----------------|-------------------|--------------------|
| Processor Employees | 9.5721 | -0.2955 | \$12,098.64 |
| Support businesses and others | 10.2872 | +0.4196 | None |

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Fishing Compensation Supplemental Payments - Dungeness Processor

| Processor | Total \$ Earned | % of total | 03/17/03 Compensation | 9.8676 Ratio | Supplemental Payment |
|---------------------------|-----------------------|----------------|-----------------------|-----------------------|----------------------|
| Strawberry Point Seafoods | \$520.00 | 0.05% | \$509.52 | \$513.08 | \$3.56 |
| Taku Fisheries | \$43,856.00 | 4.22% | \$42,972.14 | \$43,272.72 | \$300.58 |
| Icy Passage Fish | \$300,212.00 | 28.87% | \$294,161.85 | \$296,219.18 | \$2,057.33 |
| Pelican Seafoods | \$695,232.00 | 66.86% | \$681,221.04 | \$685,985.41 | \$4,764.37 |
| Total | \$1,039,820.00 | 100.00% | \$1,018,864.55 | \$1,025,990.39 | \$7,125.84 |

The final compensation amounts previously determined for Dungeness Processors were based on proportional allocation ratios among the various compensation categories. The allocation ratios were intended to basically be the same for each compensation category. However, administrative corrections within individual categories subsequent to allocation resulted in slightly varying allocation ratios between categories at the time final compensation was determined. To bring proportional distribution ratios into parity, supplemental compensation is being provided for the Dungeness Processors compensation category. Supplemental compensation is being provided from remaining funds used to administer the Compensation Program. This list provides the names of recipients and amounts of corresponding supplemental payments.

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| Processor | Total \$ Earned | % of total | 03/17/03 Compensation | 9.8676 Ratio | Supplemental Payment |
|--------------------|-----------------|------------|-----------------------|--------------|----------------------|
| Anselm, Carl | \$5,751.46 | 1.403% | \$5,505.27 | \$5,674.97 | \$169.69 |
| Armstrong, Jeffrey | \$47.62 | 0.012% | \$45.58 | \$46.99 | \$1.41 |
| Audette, Armand | \$951.99 | 0.232% | \$911.24 | \$939.33 | \$28.09 |
| Baird, John | \$3,694.52 | 0.901% | \$3,536.38 | \$3,645.38 | \$109.01 |
| Baldwin, Cary | \$3,249.55 | 0.792% | \$3,110.45 | \$3,206.33 | \$95.88 |
| Bales, Kwan | \$976.02 | 0.238% | \$934.24 | \$963.04 | \$28.80 |
| Barkfelt, William | \$749.31 | 0.183% | \$717.24 | \$739.34 | \$22.11 |
| Barrios, Jolene | \$2,504.05 | 0.611% | \$2,396.87 | \$2,470.75 | \$73.88 |
| Barry, Terrence | \$75,689.34 | 18.458% | \$72,449.48 | \$74,682.67 | \$2,233.19 |
| Batman, Kathy | \$1,462.74 | 0.357% | \$1,400.13 | \$1,443.29 | \$43.16 |
| Bowen, Barbara | \$2,343.85 | 0.572% | \$2,243.52 | \$2,312.68 | \$69.15 |
| Bowen, Dave | \$997.07 | 0.243% | \$954.39 | \$983.81 | \$29.42 |
| Burgner, Paula | \$1,008.43 | 0.246% | \$965.26 | \$995.02 | \$29.75 |
| Byers, Jerry | \$12,200.37 | 2.975% | \$11,678.14 | \$12,038.11 | \$359.97 |
| Byrnes, Andrea | \$26,425.18 | 6.444% | \$25,294.06 | \$26,073.73 | \$779.67 |

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| | | | | | |
|----------------------------|-------------|---------|-------------|-------------|------------|
| Cardenas, Abel | \$1,424.78 | 0.347% | \$1,363.79 | \$1,405.83 | \$42.04 |
| Castle, David | \$46,000.00 | 11.218% | \$44,030.99 | \$45,388.20 | \$1,357.21 |
| Currier, Erika | \$920.24 | 0.224% | \$880.85 | \$908.00 | \$27.15 |
| Curtiss, Vicki | \$2,281.61 | 0.556% | \$2,183.95 | \$2,251.26 | \$67.32 |
| Davis, Steve | \$1,836.33 | 0.448% | \$1,757.73 | \$1,811.91 | \$54.18 |
| Elton, Derrick | \$1,687.52 | 0.412% | \$1,615.29 | \$1,665.08 | \$49.79 |
| Elton, Erik | \$2,659.87 | 0.649% | \$2,546.02 | \$2,624.49 | \$78.48 |
| Enge, Ivar | \$1,397.61 | 0.341% | \$1,337.79 | \$1,379.02 | \$41.24 |
| Eudave, Jose | \$667.59 | 0.163% | \$639.01 | \$658.71 | \$19.70 |
| Eyon, Gareth | \$1,335.33 | 0.326% | \$1,278.17 | \$1,317.57 | \$39.40 |
| Faamausili, Taulagi | \$406.83 | 0.099% | \$389.42 | \$401.42 | \$12.00 |
| Foley, Denali | \$10,106.00 | 2.465% | \$9,673.42 | \$9,971.59 | \$298.17 |
| Gullstrand, Jerry | \$2,251.12 | 0.549% | \$2,154.76 | \$2,221.18 | \$66.42 |
| Haggerty, Steve | \$1,563.95 | 0.381% | \$1,497.01 | \$1,543.15 | \$46.14 |
| Haley, William | \$2,667.12 | 0.650% | \$2,552.95 | \$2,631.65 | \$78.69 |
| Hicks, Kenneth | \$2,909.27 | 0.709% | \$2,784.74 | \$2,870.58 | \$85.84 |
| Hisaw, Melanie | \$501.28 | 0.122% | \$479.82 | \$494.61 | \$14.79 |
| House, Trina | \$759.07 | 0.185% | \$726.58 | \$748.97 | \$22.40 |
| Howell, Sharon | \$674.66 | 0.165% | \$645.78 | \$665.69 | \$19.91 |
| Janke, Judy | \$1,284.59 | 0.313% | \$1,229.60 | \$1,267.50 | \$37.90 |
| Jennings, Robert | \$5,905.43 | 1.440% | \$5,652.65 | \$5,826.89 | \$174.24 |

| | | | | | |
|------------------------------|------------|--------|------------|------------|----------|
| Jones, Dennis | \$2,765.83 | 0.674% | \$2,647.44 | \$2,729.04 | \$81.60 |
| Kim, Hyo Rye | \$1,387.23 | 0.338% | \$1,327.85 | \$1,368.78 | \$40.93 |
| Krone, Andy | \$2,745.10 | 0.669% | \$2,627.60 | \$2,708.59 | \$80.99 |
| Lampe, Robert | \$2,213.07 | 0.540% | \$2,118.34 | \$2,183.64 | \$65.30 |
| Laux, Michael | \$3,129.75 | 0.763% | \$2,995.78 | \$3,088.12 | \$92.34 |
| Lee, Dho Won | \$869.54 | 0.212% | \$832.32 | \$857.98 | \$25.66 |
| Lee, Tong Hwi (Keith) | \$249.17 | 0.061% | \$238.50 | \$245.86 | \$7.35 |
| Lesh, Dan | \$241.64 | 0.059% | \$231.30 | \$238.43 | \$7.13 |
| Lesh, Jeffrey | \$83.89 | 0.020% | \$80.30 | \$82.77 | \$2.48 |
| Lesh, Joseph | \$1,204.31 | 0.294% | \$1,152.76 | \$1,188.29 | \$35.53 |
| Lindsey, Marcia | \$861.79 | 0.210% | \$824.90 | \$850.33 | \$25.43 |
| Luft, Mike | \$1,054.44 | 0.257% | \$1,009.31 | \$1,040.42 | \$31.11 |
| Lundahl, Tamara | \$151.19 | 0.037% | \$144.72 | \$149.18 | \$4.46 |
| Mageo, Lauoi Jr. | \$1,430.54 | 0.349% | \$1,369.31 | \$1,411.51 | \$42.21 |
| Martin-Webster, Karen | \$926.75 | 0.226% | \$887.08 | \$914.42 | \$27.34 |
| McConnell, Mary | \$4,363.08 | 1.064% | \$4,176.32 | \$4,305.05 | \$128.73 |
| McKay, Daniel | \$3,519.81 | 0.858% | \$3,369.15 | \$3,473.00 | \$103.85 |
| McKay, Richard Jr. | \$2,868.17 | 0.699% | \$2,745.40 | \$2,830.02 | \$84.62 |
| McKay, Richard Sr. | \$764.75 | 0.186% | \$732.02 | \$754.58 | \$22.56 |
| McPhail, Robert | \$103.23 | 0.025% | \$98.81 | \$101.86 | \$3.05 |

| | | | | | |
|---------------------------|-------------|--------|-------------|-------------|----------|
| Menichelli, Peter | \$417.12 | 0.102% | \$399.27 | \$411.57 | \$12.31 |
| Midkiff, Nathan | \$2,496.64 | 0.609% | \$2,389.77 | \$2,463.43 | \$73.66 |
| Miles, Suzanne | \$1,597.08 | 0.389% | \$1,528.72 | \$1,575.84 | \$47.12 |
| Milligan, Michael | \$2,150.31 | 0.524% | \$2,058.27 | \$2,121.71 | \$63.44 |
| Narraway, Charles | \$1,933.59 | 0.472% | \$1,850.82 | \$1,907.87 | \$57.05 |
| Norman, Eric | \$16,270.59 | 3.968% | \$15,574.13 | \$16,054.19 | \$480.06 |
| Oliver, Tina | \$433.95 | 0.106% | \$415.37 | \$428.18 | \$12.80 |
| Ostrus, Kimberlee | \$1,515.32 | 0.370% | \$1,450.46 | \$1,495.17 | \$44.71 |
| Paddock, William | \$10,584.48 | 2.581% | \$10,131.42 | \$10,443.71 | \$312.29 |
| Pilapil, Olivier | \$1,174.93 | 0.287% | \$1,124.64 | \$1,159.30 | \$34.67 |
| Ponce, Raul | \$2,246.77 | 0.548% | \$2,150.60 | \$2,216.89 | \$66.29 |
| Pukis, Brien | \$2,809.40 | 0.685% | \$2,689.14 | \$2,772.03 | \$82.89 |
| Quezon, Arvin | \$296.17 | 0.072% | \$283.49 | \$292.23 | \$8.74 |
| Randrup, Jeff | \$1,879.99 | 0.458% | \$1,799.52 | \$1,854.99 | \$55.47 |
| Randrup, Melva | \$354.19 | 0.086% | \$339.03 | \$349.48 | \$10.45 |
| Reischling, Katy | \$1,802.38 | 0.440% | \$1,725.23 | \$1,778.41 | \$53.18 |
| Riemann, Scott | \$378.65 | 0.092% | \$362.44 | \$373.61 | \$11.17 |
| Roberts, Lori | \$1,033.03 | 0.252% | \$988.81 | \$1,019.29 | \$30.48 |
| Rodriguez, Eunice | \$507.99 | 0.124% | \$486.25 | \$501.23 | \$14.99 |
| Rodriguez, Heather | \$227.08 | 0.055% | \$217.36 | \$224.06 | \$6.70 |

| | | | | | |
|------------------------------|---------------------|-----------------|---------------------|---------------------|--------------------|
| Rodriguez, Rudy | \$470.45 | 0.115% | \$450.31 | \$464.19 | \$13.88 |
| Ryther, Brian | \$69.19 | 0.017% | \$66.23 | \$68.27 | \$2.04 |
| Schoonover, Neta Jane | \$12,801.15 | 3.122% | \$12,253.20 | \$12,630.89 | \$377.69 |
| Shay, Timothy | \$2,388.27 | 0.582% | \$2,286.04 | \$2,356.51 | \$70.47 |
| Smith, Karen | \$6,142.89 | 1.498% | \$5,879.95 | \$6,061.19 | \$181.24 |
| Sosa, Sergio | \$659.33 | 0.161% | \$631.11 | \$650.56 | \$19.45 |
| Strahm, William | \$11,748.28 | 2.865% | \$11,245.40 | \$11,592.03 | \$346.63 |
| Thynes, Jeanne | \$526.29 | 0.128% | \$503.76 | \$519.29 | \$15.53 |
| Vasquez, Lucia | \$673.71 | 0.164% | \$644.87 | \$664.75 | \$19.88 |
| Versteeg, Waldine | \$598.36 | 0.146% | \$572.75 | \$590.40 | \$17.65 |
| Voeller, Dominic | \$10,295.16 | 2.511% | \$9,854.48 | \$10,158.23 | \$303.76 |
| Voeller, James | \$19,259.79 | 4.697% | \$18,435.38 | \$19,003.63 | \$568.25 |
| Volk, Edward | \$1,583.84 | 0.386% | \$1,516.04 | \$1,562.77 | \$46.73 |
| Ware, Shelley | \$1,508.82 | 0.368% | \$1,444.24 | \$1,488.75 | \$44.52 |
| Webster, Darrell | \$1,147.12 | 0.280% | \$1,098.02 | \$1,131.86 | \$33.85 |
| Whitmarsh, Louisa | \$4,259.58 | 1.039% | \$4,077.25 | \$4,202.93 | \$125.68 |
| Whitmarsh, Thomas | \$12,290.95 | 2.997% | \$11,764.84 | \$12,127.48 | \$362.64 |
| Wilson, Patrick | \$4,174.27 | 1.018% | \$3,995.59 | \$4,118.75 | \$123.16 |
| Woods, Glen | \$10,544.80 | 2.572% | \$10,093.43 | \$10,404.55 | \$311.12 |
| Yap, Marivic | \$580.47 | 0.142% | \$555.62 | \$572.75 | \$17.13 |
| Total | \$410,057.36 | 100.000% | \$392,505.00 | \$404,603.59 | \$12,098.60 |

The final compensation amounts previously determined for Processor Employees were based on proportional allocation ratios among the various compensation categories. The allocation ratios were intended to basically be the same for each compensation category. However, administrative corrections within individual categories subsequent to allocation resulted in slightly varying allocation ratios between categories at the time final compensation was determined. To bring proportional distribution ratios into parity, supplemental compensation is being provided for the Processor Employee compensation category. Supplemental compensation is being provided from remaining funds used to administer the Compensation Program. This list provides the names of recipients and amounts of corresponding supplemental payments.

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Commercial Fishing Compensation Administrative Corrections

The corrections shown below have been made to the final compensation amounts paid in March 2003. These changes correct administrative errors in the amounts paid or provide compensation not previously determined for overlooked applications. The administrative corrections are being paid from remaining funds used to administer the Compensation Program.

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| Name | Initial Payment | Corrected Payment | Total Compensation | Justification | Category |
|---------------------------------|-----------------|-------------------|--------------------|------------------------|----------------------|
| Edson, James | \$8,599.00 | \$110,373.98 | \$118,972.98 | Admin Correction | Support Business |
| Etheridge, John | \$0.00 | \$11,763.89 | \$11,763.89 | Overlooked application | Lost Permit Value |
| MacDonald, Terry | \$297,146.28 | \$11,763.89 | \$308,910.17 | Overlooked application | Lost Permit Value |
| Pine, David | \$0.00 | \$3,403.67 | \$3,403.67 | Admin Correction | Tanner Crab Pot Crew |
| Tina's Room & Rental | \$191.04 | \$22,917.16 | \$23,108.20 | Admin Correction | Support Business |
| Whisper Marine | \$32,740.51 | \$41,002.52 | \$73,743.03 | Admin Correction | Support Business |
| Williams, Rickey D. | \$11,763.89 | \$0.00 | \$11,763.89 | Overlooked application | Lost Permit Value |

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Commercial Fishing Q&A

When did the closure process begin?

While it can be argued that the issue of closure to commercial fishing first began with the change from monument to park in 1980, it first came to real prominence in 1990 with the filing of a lawsuit by the Alaska Wildlife Alliance and American Wildlands. The lawsuit asserted that the NPS was improperly allowing commercial fishing to continue in the park. The court concluded that, except for wilderness waters, the park was not closed by law to commercial fishing, but that the NPS could restrict commercial fishing, even prohibit it to protect park values. The end result of the litigation was that the NPS began to move toward specific park regulations to restrict commercial fishing. Perhaps in response, congress adopted statutory provisions for commercial fishing in the park that preempted the separate NPS regulatory initiative and resulted in the current park regulations for commercial fishing, including immediate closure of some areas, a phase out of commercial fishing in other areas, and continued commercial fishing in other areas. The current compensation program had its origin in a 1999 amendment (Pub.L. 106-31, Sec. 501, May 21, 1999) to the original park commercial fishing legislation passed the previous year (Pub.L.105-277, October 21, 1998). The Dungeness crab buy-out and commercial fishing phase-out provisions were included in the original legislation and were implemented separately from the compensation program.

How much fishing took place in the park?

In Glacier Bay proper, which is the focus of the law's closure provisions and the compensation program, commercial fishermen were taking roughly 800,000 pounds of halibut and crab per year, plus additional amounts of salmon. This harvest has decreased with implementation of the Dungeness crab buy-out, and will continue to decrease as lifetime permits are retired under the phase-out program for tanner crab, halibut, and salmon. Historically, about 80 percent of the park harvest occurred outside of Glacier Bay proper. Commercial fishing will continue in these outer waters of the park.

How much money was appropriated by Congress for compensation?

Congress provided \$31 million in compensation funding. \$8 million was provided for Dungeness crab fishermen previously engaged in commercial fishing in the completely closed wilderness waters of the park, and \$23 million was provided for fish processors, fishing vessel crew members, communities, and others negatively affected by restrictions on fishing in the park. The separate compensation program for Dungeness crab fishermen has been completed. This month's pay-out of \$23 million is for those who applied under the other general compensation program.

Who will continue to fish in that part of Glacier Bay subject to closures and restrictions?

The commercial fishing phase-out provision of the law provides for life-time permits for qualifying tanner crab, halibut, and salmon fishermen. A life-time halibut permit requires at least two years of fishing as a limited entry permit holder in Glacier Bay Proper between 1992 and 1998. Life-time salmon or tanner crab permits require at least three years of fishing as a limited entry permit holder in Glacier Bay Proper between 1989 and 1998.

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Where is commercial fishing closed?

About 9 percent of the park's marine waters, or a little over 53,000 acres, were designated as wilderness by Congress in 1980 and, therefore, closed to commercial fishing. The Wilderness Act closure was reaffirmed by the 1998 law establishing the phase-out program for additional non-wilderness waters of Glacier Bay Proper. Glacier Bay Proper is defined in the law as the marine waters within Glacier Bay, including coves and inlets, north of a line drawn from Point Gustavus to Point Carolus. The primary wilderness area within the park but outside of Glacier Bay Proper that is closed to commercial fishing is upper Dundas Bay. See the [commercial fishing map](#) for a graphic illustration of current management.

How were compensation amounts determined for the general compensation program?

The 1999 amendment to the original Glacier Bay commercial fishing legislation required the Secretary of Interior to develop a compensation program in consultation with the State of Alaska. Beginning in 1999, the Glacier Bay Commercial Fishing Compensation Program was developed with the State through a lengthy public process. Notice of implementation of the final Compensation Plan was published in the Federal Register on September 28, 2001 (66 FR 49696). The Compensation Plan provided funding formulas for various categories of compensation based on an economic assessment prepared during development of the program. The goal of the Compensation Plan was to implement the legal mandate to "fairly compensate United States fish processors, fishing vessel crew members, communities, and others negatively affected" (Pub.L.106-31, Sec. 501, May 21, 1999).

How many people applied for compensation?

1,027 applications for compensation were received and reviewed. 386 applications were initially denied (usually for being incomplete), and estimated compensation amounts determined for those approved. Applicants were notified of these initial determinations and were provided an opportunity to appeal either the denial decision or the estimated amount approved. 367 appeals were filed, with 225 requesting a hearing. All of the appeals were reviewed by hearing officers of the Interior Office of Hearings and Appeals. About 60 percent of the appeals were approved.

Who made the final decision for compensation?

The superintendent of Glacier Bay National Park made the original decisions. On appeal, the Alaska Regional Director made the final decisions based on recommendations provided by the Office of Hearings and Appeals hearing officers.

Are there any further appeals that may be made?

The compensation decisions are the final administrative decision for the Department of Interior. There are no further administrative appeals.

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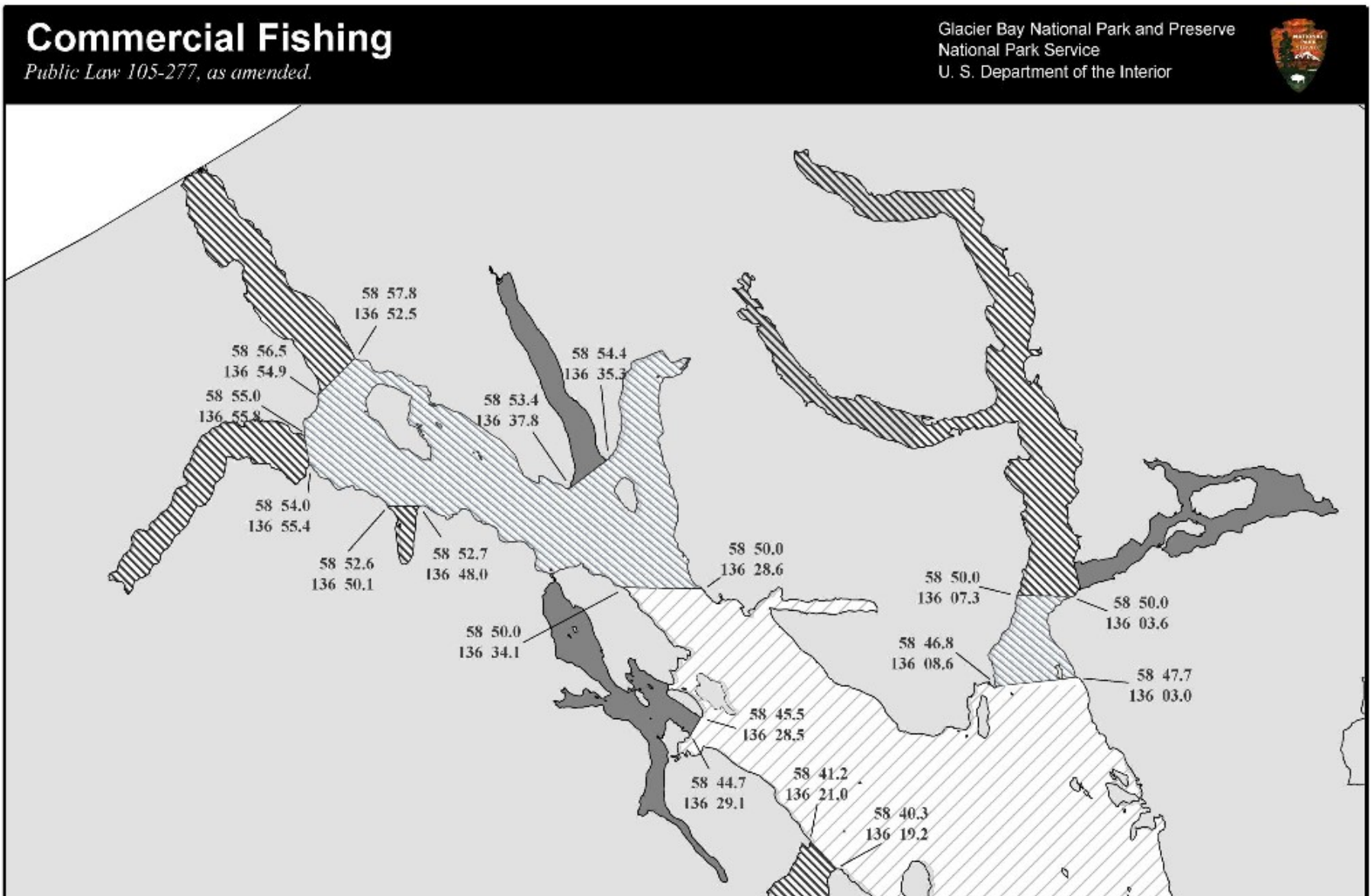
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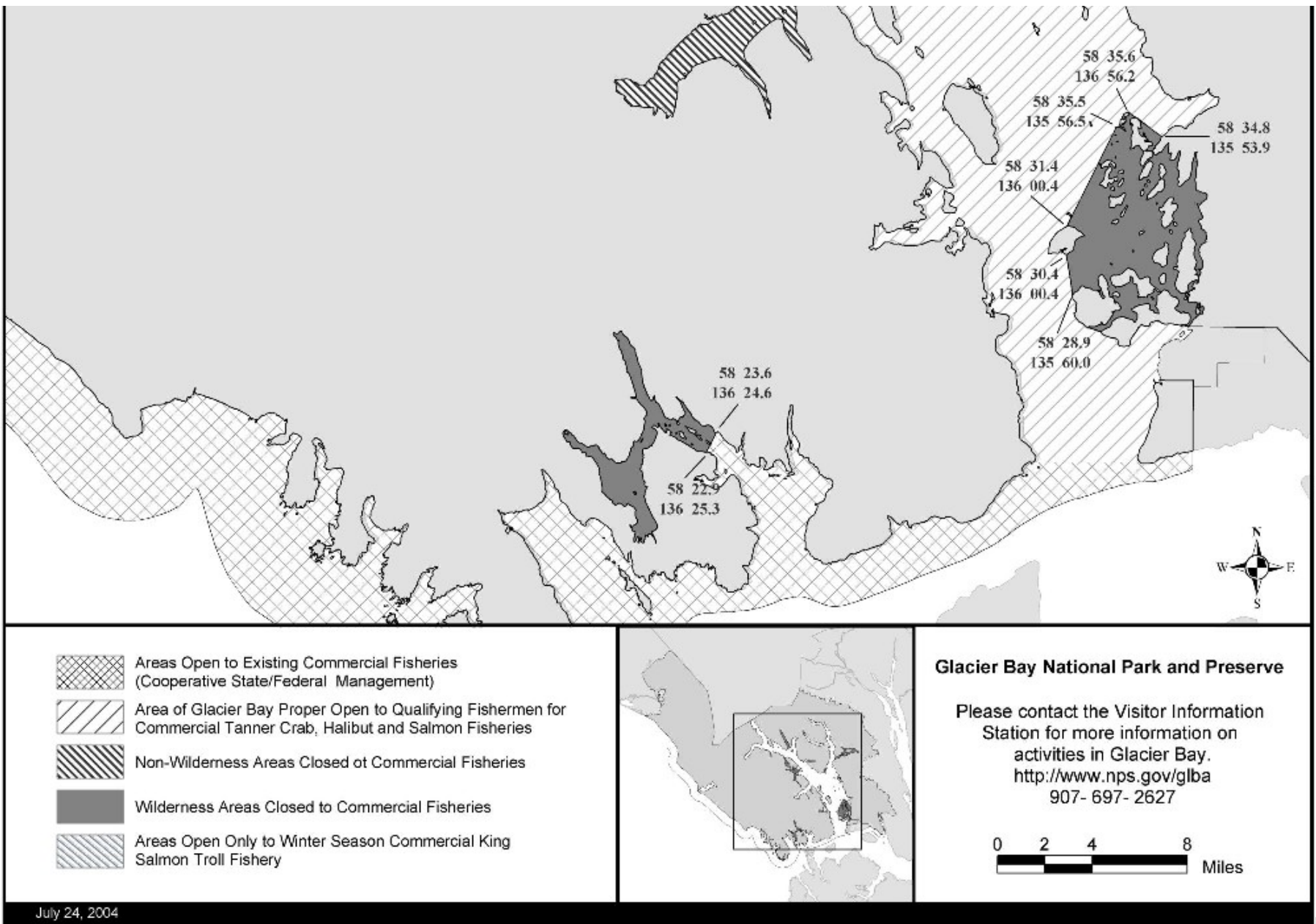


Commercial Fishing Within Glacier Bay National Park

Effects of the Omnibus Consolidated and Emergency Supplemental Act for Fiscal Year 1999 (P.L. 105-277). Signed into Law on 10/21/1998.

[Click here for printable map](#) (requires [Acrobat Reader](#)).





National

Park Service map shows five related categories of waters in Glacier Bay National Park and Preserve:

- Areas Open to Existing Commercial Fisheries (Cooperative State/Federal Management) Approximately 271,080 Acres.
- Area in Glacier Bay Proper Open for Qualifying Fishermen's Lifetimes for Commercial Tanner Crab, Halibut and Salmon Fisheries. Approximately 170,800 Acres.
- Areas Open Only to Winter Season Commercial King Salmon Troll Fishery for Grandfathered Individuals. Approximately 48,490 Acres.
- Non-Wilderness Areas Closed to Commercial Fisheries. Approximately 57,960 Acres.
- Wilderness Areas Closed to Commercial Fisheries. Approximately 53,270 Acres.

Total Acres of Park Marine Waters is Approximately 601,600.

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A Report on the Open House Meetings

The NPS and ADF&G conducted a series of successful open house meetings throughout Northern Southeast Alaska during January and February of 2000, to discuss issues related to the Glacier Bay Compensation Program. Meetings were held in Juneau, Haines, Wrangell, Petersburg, Pelican, Gustavus, Sitka, Kake, Angoon, and Hoonah. At each of these meetings, representatives of the NPS, ADF&G, and the McDowell Group were present to talk with individuals about issues resulting from the restrictions on commercial fishing Glacier Bay National Park and Preserve.

The purpose of the meetings was to inform the public about the process being used to develop a comprehensive compensation program, seek comments from the public on how the compensation plan should be developed, inform the public about how the new regulations impact fishing operations in Glacier Bay, and seek information on how fisherman, crewmembers, processors, communities, and others have been impacted by the restrictions.

Handouts were available that introduce the main participants in the program, describe why we are involved, what we hope to accomplish, what some of the possible impacts to the fishing industry are, and how the public can influence the development of the compensation plan.

Meetings were generally well attended, and participants provided lots of valuable information. Representatives of the NPS and ADF&G spent time explaining how we arrived at the situation we are in, and how the regulations affect commercial fishing operations in the park. NPS and ADF&G staff also listened to what the public had to say about how they have been affected by the regulations, and made sure the McDowell Group had the benefit of this important information.

Through these discussions, the McDowell Group was able to collect data on how the fishing restrictions have, or may, affect the fishing industry. This information is needed for the Economic Analysis of the impacts generated by the new regulations. This analysis will help the NPS and the state accurately identify and quantify the impacts to the fishing industry. It will also provide information that will be needed to develop the compensation plan.

NPS and ADF&G staff are in the process of preparing a summary of the comments and concerns expressed at the recent open house meetings. The McDowell Group plans to have a draft of the economic analysis available for public review in late May. These documents will be available upon request.

This round of open house meetings was confined to Northern Southeast Alaska because the NPS and ADF&G believe that the majority of the impacts will be felt in this segment of the region, and the desire to keep the administrative costs low so that more money is available for distribution to the affected parties. However, neither NPS nor ADF&G believe that the impacts of these restrictions are confined to Northern Southeast Alaska. Therefore, regardless of where you live or fish, if you feel that you, your business, or your community, have been negatively affected, please make your concerns known.

If you were unable to attend the open house meeting in your community, or if you live in a community where a meeting was not conducted, and you want to comment on this program,

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please write your comments on the form provided in this newsletter and return it to the address on the form. If you would like to obtain copies of the handouts that were provided at the meeting, please contact the NPS at the location indicated on the form. Thank you for your participation in this program.

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Glacier Bay Compensation Plan Open Houses Summary Report

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A summary of public concerns raised during open house meetings conducted by the U. S. Park Service in January and February 2000 in Juneau, Haines, Wrangell, Petersburg, Pelican, Gustavus, Sitka, Kake, Angoon and Hoonah

Prepared for:
U.S. Park Service

Prepared by:
McDowell Group, Inc.

April 2000

Glacier Bay Compensation Plan Open Houses

Summary Report

Introduction

This report summarizes public concerns and issues regarding the Glacier Bay Compensation Plan. These concerns were raised during open house meetings conducted by the U.S. Park Service in January and February 2000 in Juneau, Haines, Wrangell, Petersburg, Pelican, Gustavus, Sitka, Kake, Angoon and Hoonah. In addition to Park Service personnel, representatives of the Alaska Department of Fish and Game (ADF&G) and the McDowell Group participated in the open houses.

Open house attendees were given three options for communicating their concerns and issues:

- One-on-one discussions with NPS, ADF&G and McDowell Group staff
- Record comments on audio recording equipment available at the open house
- Fill out a written comment sheet to be turned in at the open house or mailed in at a later date.

This report summarizes verbal comments and key issues noted by McDowell Group, ADF&G and Park Service staff at the open houses. ***This report does not attempt to verify or respond to the factual basis for the comments and personal opinions represented. Moreover, this document does not attempt to recount all of the detailed written and oral comments received during or after the open houses.*** While not reported here, the specific information provided by dozens of individuals will be very useful to the study team in preparation of the economic impact assessment.

This report begins with a discussion of the issues common to all communities visited. These "common concerns" are presented according to gear group or topic area. Following the discussion of common concerns, brief summaries of each open house are provided, focusing on issues that are unique to each community.

Common Concerns

Salmon Trollers

- Those who may be eligible for a Lifetime Access Permit (LAP) note negative impacts from closure of some of the more productive fishing

grounds, and closures that restrict their ability to follow the fish (into now-closed waters) and to fish in adverse weather.

- Many trollers said the areas of Glacier Bay still open to commercial fishing do not provide the protection from inclement weather that has been one of the major advantages of fishing in the Bay. Some bays and inlets that are now closed were sheltered and fishable even in gale-force winds.
- Trollers indicated that closures result in loss of 20 percent to 30 percent of commonly used fishing grounds. These grounds account for much of the winter king salmon harvest in Glacier Bay. One fisherman said he no longer considers the Glacier Bay king fishery economically viable since closure two years ago of one particularly productive and well-known 12-fathom spot in Hugh Miller Inlet.
- Trollers prohibited from fishing in Glacier Bay expressed concerns that the value of their permits would drop due to lost fishing opportunity.
- Some trollers stated that displaced fishermen would now be competing with them in areas outside the Bay.
- Most trollers questioned why they were being banned from Glacier Bay and at the same time the NPS was allowing commercial charter-fishing operations to continue.
- Two trollers at the Juneau open house felt that what they viewed as misinformation from Park Service staff regarding legal, open waters had contributed to a decrease of effort in the winter fishery over the last ten years.
- Three trollers in Juneau said they caught high percentages of hatchery kings (one in eight) in Glacier Bay.

Halibut Longliners

- The bulk of commentary from halibut longliners who may be eligible for LAPs revolved around loss of some of the best fishing grounds within Glacier Bay and loss of these portions of the Bay as an option in adverse weather or tidal conditions.
- Those who may be eligible for a LAP cited increased competition in areas remaining open as those who fished in areas that are now closed relocate their fishing efforts.
- A few fishermen who have fished almost exclusively within Glacier Bay areas now closed to the halibut fishery were concerned about impacts to their operations associated with the need to find and learn new grounds in

Glacier Bay or elsewhere.

- Because of the IFQ system, most fishermen felt that they would still be catching the same amount of fish, but would probably incur more expenses due to increased competition or lack of protected fishing grounds.
- Some fishermen said they believe the concentration of fishing effort in the now reduced area may cause conservation concerns in the future, which would lead to further restrictions and no compensation.
- Fishermen who had not fished in Glacier Bay are concerned about the increased competition from others who are displaced by the fishing restrictions, and the loss of their opportunity to fish in Glacier Bay when conditions warranted going there.
- Another issue raised was whether gray cod and rockfish by-catch retention would be allowed in Glacier Bay. (This issue has been resolved. NPS staff indicate in a March 14, 2000 letter to fishermen that retention will be allowed subject to applicable federal and state regulations.)

Tanner Crabbers

- Those who continue to fish in Glacier Bay under the Lifetime Access Permit program believe that competition will increase in areas remaining open to fishing from crabbers whose traditional grounds are now closed.
- Those who do not fish in Glacier Bay have seen or expect to see more competition in their areas over time as displaced fishermen relocate their efforts to other areas of Southeast Alaska.
- All tanner crabbers are concerned that the Guideline Harvest Level (GHL) for Southeast will be reduced in the future due to loss of available biomass.
- Tanner crabbers are concerned that the market value of their permits will be reduced due to decreased earning potential and diminished GHL. Many fishermen expressed the concern that the future sale of fishing permits and fishing operations represents their "retirement account" and any reduction in the value of fishing operations takes away from these "retirement accounts."
- Tanner crabbers who were fishing in wilderness areas wanted to know why they were not paid (bought-out), as were the Dungeness crabbers, for this loss of fishing opportunity.
- Some crabbers wanted to know how this program would differentiate between fishermen who have transferable limited entry permits and those who have interim permits. (Interim permits are permits that are in contention, and will be validated or revoked at some future date. When a fishery is limited, the Commercial Fisheries Entry Commission (CFEC)

issues an "optimum number" of transferable permits as well as a few interim permits to allow fishermen to fish while the final status of their permit application is being determined.) The concern expressed is that if payments are made to interim permit holders, who later have their permits revoked, then amount of money available to "actual" permit holders will be reduced.

- At the Juneau open house, two tanner crab fishermen complained of having been "kicked out" of the Bay by Park Service staff during the 1999 tanner crab season. One crabber estimates his loss at \$70,000 for the 1999 season. That operator said he was instructed by NPS staff to move his gear out of Carpentier Inlet. A second fisherman said NPS staff told him that Wachussetts Inlet was closed to commercial fishing after he had already chartered an aircraft to check on ice conditions in the inlet.
 - Tanner crabbers note that the loss of one's "territory" in this highly competitive fishery creates a very real problem of competing for a piece of someone else's territory. This reduces catch rates for everyone and may ultimately reduce permit values and economic viability of the fishery. In a nutshell, there will be a reduction in biomass, but no reduction in fishing effort. The situation is exacerbated by increased incidence of bitter crab disease in Lynn Canal tanner crab. The Lynn Canal biomass is included in the allowable harvest, but is not a salable product due to the disease.
- Ring-net fishermen and crewmembers felt that the closure of key shallow water wilderness (Beardslee Islands and Hugh-Miller/Skidmore Inlets) and non-wilderness (Geike Inlet) tanner crab grounds – areas that can be fished with ring-net gear -- had effectively eliminated their fishery within Glacier Bay.

Dungeness Crabbers

- In Juneau, Wrangell and Petersburg, crab fishermen stated that in the 1999 season they experienced increased competition on their crabbing grounds as displaced Glacier Bay fishermen chose to move to other areas.
- Fishermen reported some decrease in individual harvest due to the increased number of crab fishermen in those areas.
- Most crabbers expressed the concern that ADF&G will manage the resource more conservatively in the future due to the increased pressure on local stocks caused by displaced crabbers relocating their operations.
- Many individual crabbers wanted to know why only a few crabbers were paid a lot of money for lost fishing privileges in Glacier Bay when all

permits are valid for fishing in Glacier Bay. They believe they also need to be compensated for the lost fishing opportunity that Glacier Bay represented.

- Dungeness fishermen noted the buy-back program would not necessarily reduce the commercial fishing effort because bought-out fishermen can easily reinvest and acquire one of the many permits that currently are not being fished.
- Some fishermen questioned the "need" for the buy-out program given an uncertain future for the fishery with recent colonization of Glacier Bay by significant numbers of sea otters.

Crewmembers

- Crewmembers are very concerned that their losses will not be compensated. They generally work for a percentage of the proceeds from the fishing operation and therefore share in the risk of having a good or bad season. Crewmembers say they are suffering as a result of the implementation of the IFQ program where boat owners were given all of the rewards and crew were left out. They do not want to be left out again.
- Crew are concerned about lost opportunity due to restrictions in Glacier Bay. Crew that have fished many years in Glacier Bay with the hope of some day fishing their own boat and permit have lost that opportunity in Glacier Bay.
- Crew are concerned about the tanner crab fleet's overall loss of income as the harvest level is reduced.
- A crewmember displaced from the Dungeness crab fishery in the Beardslee Islands said he was forced to change his residence from Gustavus to Juneau. He has not been compensated, though his employer in the fishery received a buy-out settlement.

Processors and Packers

- All processors were concerned about loss of production due to "their fishermen" being displaced from Glacier Bay and having to find new fishing grounds. In some cases the location of these new grounds may cause fishermen to deliver their catch to a different processor. Crab processors are concerned about a reduction in the availability of product as a result of some portion of the biomass being put off limits.

- In Wrangell, it was pointed out that in past years a processor has been able to keep up with Dungeness crab delivery levels from the boats that historically fished there. Last season, however, more fishing effort was experienced and the processor was unable to keep up, forcing some boats to deliver elsewhere. It was felt that this resulted in a decrease of overall production at the plant, lost raw fish tax revenue to the city and less employment for the processing crew.
 - A large Juneau-based processor inquired as to whether the costs associated with calculating individual entities' losses (accounting costs, legal fees and other expenses) would be considered in the economic analysis.
- The owners of a Juneau-based company that acts as a processor, subcontract buyer and logistical support for local fishermen expects Glacier Bay restrictions will significantly impact the company. The owners estimate that 50 percent or more of their seafood purchase volume is harvested in Glacier Bay. They are concerned they will be "over-equipped" when landings volume declines from Glacier Bay fishing restrictions. Assuming a reasonably steady volume of fisheries landings, they had invested in forklifts, live tanks for packing Glacier Bay crab, cranes and other equipment.
- Another packer asked that the study team keep in mind the role of fish packers in general, including logistical support services provided to fishery participants (mostly tanner crabbers) in Glacier Bay.

General Comments and Concerns

- Nearly every fisherman expressed concern and/or anger that they were being excluded from Glacier Bay for no logical or apparent reason while cruise ship traffic, which they see as high impact, has continued to increase over the years. All of those expressing their views felt their fishing activity was "zero impact" and that they rarely saw other fishing boats working in the Bay. Fishermen feel that restrictions on commercial fishing activities in Glacier Bay National Park were an unnecessary action.
- Attendees felt that the loss and displacement of fishing opportunities in Glacier Bay are going to create impacts that will ripple throughout all of Southeast Alaska.
- Many people questioned how far into the future compensation would be projected. They also wondered how a price could be placed on the lost opportunity to their children, who were planning on taking over the family

business.

- Fishermen inquired about the limits that would be placed on charter fishing in Glacier Bay. All stated that they considered charter fishing to be an extractive, commercial activity and if they were not allowed to fish in Glacier Bay, then another "gear group" should not be allowed to do so either.
- In Juneau and Pelican, several attendees expressed concern that the current owners of Pelican Seafoods would use compensation monies to settle bankruptcy debts instead of capital investment in commercial fisheries. They thought monies should be distributed to the community of Pelican rather than to Pelican Seafoods.
- Several fishermen were concerned that their Glacier Bay fishing effort was not documented on fish tickets, specifically on trips where they fished only part of the time in Glacier Bay.
- All gear groups said there has been substantial confusion in recent years on exactly which waters are open and which are closed. Fishermen report receiving conflicting or inaccurate information from NPS staff and as a result have curtailed fishing effort rather than risk a citation. This raises the issue of potential economic damages to fishermen and other parties who were prevented (either through inadvertent misinformation or through lack of definitive information) from fishing in waters of Glacier Bay.
- Fishermen throughout northern Southeast noted that the inability to pass down LAPs to the next generation is an important impact of the fishing restrictions. Some crewmen who have fished many years in Glacier Bay with their fathers will not be able to continue that family tradition.
- A number of attendees questioned the source of the money to pay for the open houses, the economic analysis and preparation of the compensation plan. People were concerned that administrative expenditures would erode the \$23 million set aside for compensating affected people.
- Several fishermen said they are so fed up with fishing restrictions, like those implemented in Glacier Bay, that they would get out of fishing and seek some sort of job retraining if they are given compensation.

Compensation Issues

- Many fishermen said they hope the compensation money will be used in ways that benefit the fishing industry as a whole. They want communities to use the money to improve infrastructure for the fishing industry; processors to use the money to upgrade plants; fishermen to pay off loans,

and reinvest in the industry. They are not interested in job retraining or using the money to diversify the economy. They are fishermen and want to continue to be fishermen.

- Many open house attendees were concerned about the amount of money available for compensating people affected by commercial fishing restrictions in Glacier Bay. Some people were concerned that the economic analysis would be constrained by the \$23 million already allocated for the compensation program.
- A number of attendees questioned how the Dungeness buy out was calculated. They offered the opinion that a precedent for large compensation awards in other fisheries had been set and expectations were unrealistically high for similar compensation packages for Glacier Bay.
- Regarding the compensation plan, people most often expressed concerns about the equity of the plan. They fear large corporate interests will receive most of the compensation at the expense of individual fishermen. The Steven's Tongass disaster relief funding was cited as an example, where the individual logger received nothing from \$110 million in compensation.

Haines Open House Summary

Date Held: January 21, 2000

Location: City Chambers

Hours: 2 p.m. to 8 p.m.

Signed In: 15

Estimated Attendance: 30

Key Haines Issues:

Many of the Haines fishermen affected by Glacier Bay commercial fishing restrictions are gillnetters who also fish halibut in the Bay. Several of these fishermen expressed concern about the safety of small-boat fishermen forced from the Bay. Glacier Bay fishing restrictions and closures could force fishermen to fish in more open waters, exposing them to increased weather risks.

Haines fishermen also voiced the opinion that any community-level compensation given to the City and/or Borough of Haines should be used to enhance harbor facilities. In summary, any government-level compensation should go back to fishermen.

A couple of individuals in Haines said the borough should not be given any

compensation because the funds could only be used for education purposes. They would rather see the money used for harbor improvements or other fishing-related infrastructure.

Attendees felt that Haines could suffer significant cumulative economic impacts from commercial fishing restrictions in Glacier Bay. A large number of Haines residents have fished in Glacier Bay. One local processor purchases a large volume of Glacier Bay halibut. Some residents were concerned that the borough government could see a reduction in raw fish tax revenues.

Wrangell Open House Summary

Date Held: January 31, 2000

Location: City Chambers

Hours: 6 p.m. to 9 p.m.

Signed In: 20

Estimated Attendance: 30-40

Key Wrangell Issues:

Wrangell Dungeness fishermen indicated they already felt the negative consequences of Glacier Bay fishing restrictions. Local Dungeness fishermen experienced increased competition from three displaced Glacier Bay fishermen, one who had been bought out then reinvested in the fishery and two more who did not qualify for the buy out. This increased local fishing effort was felt to have had a negative effect on local processors. Normally, a Wrangell processor could handle the local harvest. However, the intensified harvest produced more crab than the local processor could handle, therefore some of the crab went to non-local buyers.

Local Dungeness fishermen also felt that the Glacier Bay closure was one reason for the steady decline in permit values. Permits worth \$90,000 several years ago are now reportedly worth \$40,000.

Regarding compensation, a couple of people in Wrangell indicated that they hoped compensation would not be given to the city because they felt the city had not done a good job of utilizing timber relief money.

Petersburg Open House Summary

Date Held: February 1, 2000

Location: City Chambers

Hours: 2 p.m. to 8 p.m.

Signed In: 31

Estimated Attendance: 50-60

Key Petersburg Issues:

Petersburg is home to many of the region's tanner crab fishermen. The direct and indirect effects of Glacier Bay fishing restrictions are of very great concern to fishermen and the community in general. Petersburg fishermen expressed the concern that, with Glacier Bay accounting for a significant portion of the total Southeast tanner harvest (an average of 13 percent of the 1995 to 1998 total Southeast harvest), the loss of the Bay to commercial fishing could result in a reduction in the overall harvest quota. Fishermen fear that this could eventually effect virtually every tanner crab fisherman in the region. The "ripple effect" on the tanner crab fleet is a very important issue in Petersburg.

Petersburg's economy is dominated by the fishing industry. As such, the long term, cumulative impacts of Glacier Bay restrictions on fishermen, fishing families and fishing communities is of concern. Many believe that Petersburg's strong fishing tradition is placed in jeopardy with each new restriction on commercial fishing in Southeast. In Petersburg, more than any other community visited, fishermen expressed the sentiment that they don't want compensation, they just want to fish as they always have.

Juneau Open House Summary

Date Held: January 16-17, 2000

Location: Centennial Hall

Hours: Sunday, 10 a.m. to 6 p.m.; Monday, 9 a.m. to 1 p.m.

Signed In: 27

Estimated Attendance: 40 to 50

Key Juneau Issues:

The Juneau open houses were held during a Board of Fish meeting and attracted a broad cross-section of fishermen, representatives of fishermen's organizations, processors and government employees involved in fisheries management. Issues and concerns raised by those attending the Juneau open house are summarized in the preceding section "Common Concerns."

Pelican Open House Summary

Date Held: February 1, 2000

Location: City Chambers

Hours: 2 p.m. to 8 p.m.

Signed In: 31

Estimated Attendance: 50-60

Key Pelican Issues:

Pelican is in a difficult and unique position with respect to Glacier Bay fishing

restrictions. The community has a long history of economic dependence on the Bay's seafood resources. However, residents of Pelican noted that the community was struggling before Glacier Bay fishing restrictions went into effect, in large part because of the individual fisherman's quota (IFQ) program. The IFQ program, which gave fishermen much greater latitude in when they fish and where they sell their fish, was probably the key reason the Pelican Seafoods Plant closed in 1995. After IFQs, the volume of fish through the plant dropped by 50 percent, according to one local resident. Several residents noted that closure of the plant was devastating to the local economy and, though the plant is back in operation on a limited scale, Pelican continues to struggle economically.

Pelican residents feel that commercial fishing restrictions in Glacier Bay will exacerbate an already very difficult situation by reducing the volume of fish available for local processing. Residents were concerned that the Glacier Bay restrictions may have further limited opportunities for the Pelican plant to recover from its current crises.

Pelican residents' have divergent opinions regarding who should receive compensation. A number of attendees felt very strongly that the community should receive compensation for Pelican Seafood's long history of reliance on Glacier Bay, rather than the owners of the processing plant. Others expressed the opinion that both the community and the plant owners are entitled to compensation. A number of people said that monetary compensation given to Pelican Seafoods should be spent on improving the community, such as a new water system, harbor improvements and to upgrade the processing plant itself. Several Pelican residents pointed out that Kake Tribal had only recently purchased Pelican Seafoods, and questioned why the previous owners' production history was being used to determine the current owners' compensation. They also commented that Pelican Seafoods, under Kake Tribal ownership, had purchased little to no product from Glacier Bay.

Gustavus Open House Summary

Date Held: February 2-3, 2000

Location: Community Association Building

Hours: Friday, 7 p.m. to 9 p.m.; Saturday, 9 a.m. to 1 p.m.

Signed In: 19

Estimated Attendance: 40-50

Key Gustavus Issues:

Gustavus residents feel that their community has already experienced the greatest impact from Glacier Bay commercial fishing restrictions. More specifically, the Dungeness buy out and the complete elimination of all commercial activity associated with Glacier Bay Dungeness fishing has directly or indirectly affected many Gustavus residents. According to one open house attendee, two families have left town as result of the buy out. Other local

residents (permit holders and crew), excluded from the Dungeness and other fisheries, are staying in Gustavus but are struggling financially. Businesses that supported Dungeness fishermen and processors, such as repair shops, the grocery store, the taxi business and the local air taxi are suffering from a decline in sales. Some residents are concerned that buy-out money given to local residents is being reinvested in local business ventures that will compete with existing businesses.

A number of open house attendees expressed the opinion that the Dungeness buy—out program has had negative social impacts in Gustavus. Several said resentment toward local fishermen who were bought out and anger at the Park Service have affected relationships in the community and damaged the sense of community that once existed. Incidentally, Gustavus is the only community visited where an attendee suggested that economic benefits might stem from commercial fishing restrictions in Glacier Bay and that these benefits should be considered in the impact assessment.

Some Gustavus tanner ring-net fishermen and crewmembers indicated that the Glacier Bay closures had largely eliminated their fishery in Glacier Bay. Areas in Glacier Bay that remained open to fishing were not suitable for ring-net gear, or were quickly fished out as result of displacement and increased competition.

Sitka Open House Summary

Dates Held: February 15 and 16, 2000

Location: Centennial Hall

Hours: NA

Signed In: 13

Estimated Attendance: 20

Key Sitka Issues:

A key issue for Sitka trollers attending the open house was their concern that outside-coast waters of the national park may eventually be closed to commercial fishing. The phrase most often used was "... this opens the door...." Sitka is homeport for much of the Southeast Alaska troll fleet, particularly the top producers of the fleet. Many in the Sitka fleet have boats capable of accessing the outside waters even in unfavorable weather. The outside waters of the park are a major production area for those fishermen.

Fishermen and others attending the Sitka open house were vociferous in their condemnation of policy that allows continued growth of cruise ship traffic in Glacier Bay while commercial fishing is being phased out. Without exception, the fishermen who spoke on this issue thought of the fishing industry as having little or no impact on the Bay and the cruise industry as having substantial environmental and aesthetic impacts on the Bay. Cited by multiple fishermen

were the grounding of a tour boat (and subsequent fuel spill) in wilderness waters during 1999, and air pollution resulting from cruise ships operating in upper reaches of the Bay.

Sitka trollers are concerned about increased competition in the local winter king fishery. There was some concern about displacement of Glacier Bay winter trollers, but this appears to be concern for potential rather than actual impacts.

Kake Open House Summary

Date Held: February 22, 2000

Location: City Hall

Hours: 10 a.m. to 3 p.m.

Signed In: 6

Estimated Attendance: 8

Key Kake Issues:

Most Kake residents attending the open house raised subsistence issues related to Glacier Bay. No Kake residents attending the open house appear to meet the present qualifications for lifetime access permits.

Kake residents expressed concern over competition for subsistence resources resulting from increased pressure on local fishing grounds from commercial and sport charter operators. This relates to Glacier Bay closures in the form of potential displacement impacts on local fish stocks used for subsistence and small-scale commercial fishing. Every person at the open house in Kake stated that he / she and the community rely on subsistence.

Angoon Open House Summary

Date Held: February 24, 2000

Location: City Hall

Hours: 10 a.m. to 3 p.m.

Signed In: 8

Estimated Attendance: 15

Key Angoon Issues:

Subsistence is a key issue for Angoon, specifically, competition between commercial and subsistence use of the same resources. One person said Glacier Bay fishing restrictions had resulted in at least one incident of a commercial fisherman competing with local residents for subsistence use. A Dungeness crabber who claimed to have been displaced from Glacier Bay set his string of pots in Favorite Bay, which reportedly receives fishing pressure only from local subsistence users. The commercial fisherman voluntarily removed his gear when asked, but the incident is of note in that it appears to have been the direct result

of Glacier Bay fishing restrictions.

Another key issue for Angoon is concern about further federal restriction of extractive activities on or near Admiralty Island. The context for this concern was framed by designation of Admiralty Island as a national monument. One fisherman said of Glacier Bay: "Once they can close that place off to us, they can close any place off." Angoon residents are concerned Glacier Bay legislation has set a precedent for restriction of extractive activities on or near public lands. The concern is heightened by the local perception that commercial fishing is being phased out of Glacier Bay without a compelling, tangible reason. Several people attending the open house stated this concern.

Hoonah Open House Summary

Date Held: February 25, 2000

Location: City Hall

Hours: 10 a.m. to 3 p.m.

Signed In: 22

Estimated Attendance: 35

Key Hoonah Issues:

A key issue for Hoonah is the impact of Glacier Bay fishing restrictions on the tanner crab ring-net fishery. This is typically a small-boat fishery with local participation. In order to operate with reasonable efficiency, participants need relatively shallow, sheltered waters. Ring-net fishermen estimate that area closures in Glacier Bay resulted in loss of 65 percent to 80 percent of areas suitable to conduct this fishery, causing a substantial displacement effect, even in the first year of implementation. Two fishermen said Berg Bay (which remains open under the legislation) was "packed" with gear and fished out within a day. Another fisherman said he moved to Excursion Inlet, but found it unfishable due to the large volume of gear already present. He said this was "the most gear I've ever seen there." A local processor said that his "core producers" in the tanner crab ring-net fishery had anticipated the displacement and elected to fish near Petersburg. He bought no tanner crab from those fishermen this year.

Halibut is another key issue for Hoonah. Anecdotal evidence from open house attendees suggests that Hoonah fishermen may account for a high proportion of the halibut harvest from Glacier Bay proper. A combination of proximity, cooperation among fishermen and local knowledge apparently contributes to local success in the Bay proper. The financial payoff is in operational efficiencies: Hoonah fishermen spend less time and money catching their halibut quota in Glacier Bay. Two fishermen reported they normally caught "substantial" amounts of halibut (10,000 pounds per year in one case) in areas of Glacier Bay that are now closed. The proximity of Glacier Bay provides Hoonah halibut fishermen a competitive advantage, as they can access productive grounds on opening day, then deliver quickly to take advantage of high prices offered for "first fresh"

halibut.

Another concern about halibut was increased pressure on Icy Straits grounds resulting from displacement of commercial fishing effort from Glacier Bay. Open house attendees report catch rates for sport and subsistence use are down substantially as a result of increased pressure on Icy Straits halibut grounds from the sport charter fleet. This has the potential to create an allocation conflict between commercial, sport and subsistence users of the halibut resource.

Secondary and community impacts are a major area of concern for Hoonah residents. Because of the community's physical proximity to Glacier Bay, much of the commerce associated with commercial fisheries in the Bay occurs in Hoonah. City revenues from sales tax, fish processing tax and use of services such as moorage may decrease and eventually disappear as a result of the restrictions. A custom processor said his operation depended heavily on Glacier Bay Dungeness crab and gray cod and that his work force has dropped from 14 full-time employees to two full-time employees. Of the 12 workers who lost their jobs, six moved out of town and six found other work in Hoonah, according to processing staff who still work at the company. A marine-supply store whose lease covenants specify that at least 50 percent of the store must be "marine-related" may directly feel the effect of fishery reductions.

Contact: glba_webmaster@nps.gov

Last update: August 28, 2006



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Superintendent's Message

As you will see, from activities and events reported in the newsletter, much has taken place since the last edition. As you are likely aware, the restrictions affecting commercial fishing in Glacier Bay proper is a downstream effect of Section 123 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act (P. L. 105-277), as amended by Section 501 of the 1999 Emergency Supplemental Appropriations Act (P. L. 106-31), i.e., "the Act".

The Act requires that a compensation program, to mitigate the losses resulting from the fishing restrictions in Glacier Bay, be developed in concurrence with the State of Alaska. At this time the program is still in the planning stages and the final form that it takes will occur only with the active participation of the parties affected. Therefore, your participation isn't only important, *it is vitally important*. With this in mind, I especially thank each of you who attended the open house that was held in your area and exchanged your ideas and feelings with ADF&G, McDowell Group, and National Park Service staff who were present at those public meetings.

If you were unable to attend one of the open houses, I encourage you to send your written comments to the Juneau Field Office. Address your comments to: National Park Service, Juneau Field Office, 2770 Sherwood Lane, Suite I, Juneau, Alaska 99801-8545

If you have not received an **application** for a Lifetime Access Permit, and you think you might qualify for one, please contact the Juneau Field Office. The phone number there is (907) 586-7027 or toll free at (877) 886-8831. We look forward to hearing from you.

Sincerely,

Tomie Lee

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Contact: glba_webmaster@nps.gov

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Commercial Fishing Compensation Timeline

1925 Glacier Bay National Monument established. Commercial fishing is taking place

1939 Glacier Bay National Monument enlarged. Commercial fishing continues.

1966 NPS revised its fishing regulations to prohibit commercial fishing activities in Glacier Bay and other units. The 1966 regulations did not contain specific authorization for commercial fishing in Glacier Bay National Monument.

1978 The 1978 NPS "Management Policies" reiterated that "commercial fishing is permitted only where authorized by law."

1980 The Alaska National Interest Lands Conservation Act redesignated Glacier Bay National Monument to Glacier Bay National Park and Preserve, enlarged the unit, and designated wilderness that included marine waters. ANILCA specifically authorized certain park areas where commercial fishing and related activities could continue, including the Dry Bay area of Glacier Bay National Preserve but not any area in Glacier Bay National Park.

1983 The 1983 revision of the NPS general regulations included a prohibition on commercial fishing throughout marine and fresh waters, unless specifically authorized by law.

1980-85 Certain NPS documents suggest some commercial fishing would continue in Glacier Bay. For example, the 1980 and 1985 whale protection regulations acknowledged commercial fishing in Glacier Bay proper. Also, the park's 1984 General Management Plan stated: "Traditional commercial fishing practices will continue to be allowed throughout most park and preserve waters. However, no new (nontraditional) fishery will be allowed by the NPS. Halibut and salmon fishing and crabbing will not be prohibited by the Park Service. Commercial fishing will be prohibited in wilderness waters in accordance with ANILCA and the Wilderness Act." Commercial fishing continued in wilderness waters. Also, the 1988 EIS concerning wilderness recommendations for the park referred to the continuation of commercial fishing in non-wilderness park waters.

1990 The Alaska Wildlife Alliance and American Wildlands filed a lawsuit challenging the NPS's failure to bar commercial fishing activities from Glacier Bay NP. [Alaska Wildlife Alliance v. Jensen](#), No. A90-0345-CV (D. Ak.).

1991 NPS published a proposed rule on August 5, 1991 (56 FR 37262). The proposed rule would have (a) clarified the prohibition on commercial fishing in designated wilderness waters, and (b) exempted commercial fishing in other park waters from the nationwide regulatory prohibition for a "phase out" period of seven years. At the State of Alaska's request, the Department of the Interior refrained from issuing a final rule in 1993, and instead agreed to discuss with State and Congressional staff the possibility of resolving the issues through a legislative approach.

1994 The U.S. Federal District Court for Alaska concluded that "there is no statutory ban on commercial fishing in Glacier Bay National Park provided, however, that commercial fishing is prohibited in that portion of Glacier Bay National Park designated as wilderness area." An appeal to the Ninth Circuit Court of Appeals [Alaska Wildlife Alliance v. Brady](#), Nos. 95-25151

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and 95-35188 (9th Cir.) resulted in a 1997 affirmation of the district court decision.

1996 The NPS published a final rule concerning vessel management in the park in May of 1996. These regulations established motorless waters for portions of wilderness waters in Glacier Bay proper from May 1 - September 15. This vessel closure included the Beardslee Islands where the majority of Dungeness crab fishing occurs within the Bay.

1995-97 After discussions between the NPS and State of Alaska, jointly sponsored meetings with commercial fishermen, environmental groups and other interested parties were held during December 1995 and March and May 1996 in an attempt to resolve the commercial fishing issue in Glacier Bay. The process was halted because of concerns related to the Federal Advisory Committee Act.

1997 In Fall 1997, the NPS began sponsoring public workshops in Juneau to exchange information, increase awareness of the issues and explore management options for commercial fishing within the park. These workshops were conducted in association with the State of Alaska. Key interest groups and stakeholders participated.

1998 An environmental assessment was published and available for comment early April of 1998. This document describes environmental and socio-economic effects of the proposed rule and four alternatives under consideration for managing commercial fishing in the park. Public hearings and open houses were held in southeast Alaska and Seattle in May. The public comment deadline was extended to November 15 to accommodate requests made by the State of Alaska, the Alaskan delegation and commercial fishermen.

1998 The Appropriations Act of 1999 (P.L. 105-277, Section 123), outlined new statutory requirements to address the problem of commercial fishing in Glacier Bay National Park. The Act provides direction to:

- Extend the comment period of the Proposed Rule and Environmental Assessment to January 15, 1999.
- The NPS and the State of Alaska to develop a cooperative management plan to regulate commercial fishing within the park.
- Continue fishing in the marine waters of Glacier Bay National Park outside Glacier Bay proper.
- Limit within Glacier Bay proper, commercial fishing to qualifying fishermen and only for their lifetime.
- Close designated marine wilderness areas to commercial fishing.
- Provide compensation for qualifying Dungeness crab commercial fishermen displaced by the closure of the Beardslee Islands and Dundas Bay.

1999 On May 21, 1999, the Act was amended by Congress under Section 501 of the 1999 Emergency Supplemental Appropriations Act (Pub. L. 106-31). **Section 501** modified the Dungeness crab compensation program by changing the eligibility period and compensation formulas, and by extending the application deadline for this program until August 1, 1999. Section 501 also appropriated \$23 million dollars for a new compensation program intended for fishermen, crewmembers, processors, communities and others adversely affected by restrictions of commercial fishing activities within Glacier Bay proper. The May amendments also required the Secretary of the Interior to publish an interim final rule, accept public comment and to publish a final rule implementing the requirements of Section 123 no later than September 30, 1999. Section 501 also delayed implementation of the non-wilderness closures for on-going halibut and salmon fisheries during 1999.

1999 The **Final Rule** regarding Glacier Bay National Park commercial fishing regulations was published in the Federal Register on October 20, 1999. This established special regulations for

commercial fishing in the marine waters of the park; closed specifically identified areas of non-wilderness waters in Glacier Bay proper and all wilderness waters within Glacier Bay National Park to commercial fishing; limited commercial fishing in Glacier Bay proper to three specific commercial fisheries; established a "grandfathering" process to allow qualifying fisherman in the three authorized commercial fisheries to continue fishing in the remaining waters of Glacier Bay proper under nontransferable lifetime permits; and clarified that the marine waters of the park outside of Glacier Bay proper will remain open to existing fisheries.

2000 The State and commercial fishermen requested that public meetings be delayed until early 2000 to accommodate 1999 commercial fishing seasons and seasonal schedules. Public meetings were held in communities throughout S.E. Alaska in January and February, 2000 for public comment to assist with development of the compensation plan and the development of the economic assessment (prepared by Juneau-based economic firm of McDowell Group). Additional public comment was solicited and received through open, public teleconferences by contracted facilitators with participation by the State (ADF&G) and park management until the draft compensation plan was completed.

2000 In May 2000, a draft economic assessment (prepared by a Juneau-based economic research firm) was released for public comment. In August, the final economic assessment was published. Depending on the loss measurement method and discount rate, projected economic impacts ranged from \$23 million to \$59.4 million.

2000 October, 2000 the draft compensation plan was published with a 180-day comment period. Fishermen and the State requested the extended comment period to accommodate the 2000/2001 commercial fishing seasons and seasonal schedules.

2000 In November, 2000, a second round of public meetings were held in communities throughout S.E. Alaska for public comment on the draft compensation plan.

2001 The compensation plan was published in the Federal Register; the application period for fishermen to seek a share of the \$23 million compensation fund closed January 28, 2002. The plan provided formulas for distributing available funding among qualified applicants.

2002 Applications were received from 1027 individuals, businesses and communities. A total of 386 applications were initially denied (usually because applications were incomplete), and estimated compensation amounts were determined for the remaining applicants. All applicants were notified of these initial determinations and offered an opportunity to appeal. The eligibility determination and the amount of compensation could be appealed; however, the plan's formulas for distribution among eligible applicants were not subject to administrative appeal.

2002 Appeals were filed by 367 individuals, businesses and communities, and 225 requested a hearing. In the fall of 2002, the DOI Office of Hearings and Appeals conducted in person (75) and telephonic hearings (150) and provided recommendations on all of the 367 appeals. Their recommendations were forwarded to the NPS Alaska Regional Director for a final administrative decision.

2003 By early March, the Alaska Regional Office of the NPS had all the applications/appeals processed, had notified the applicants of the final decisions and sent final payout information packages to the Treasury Department for final compensation fund transfer by the end of March 2003..

Contact: glba_webmaster@nps.gov

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Note: This page contains only background information. For current developments, please see [this issue's home page](#).

Dear Reader:

On October 21, 1998, President Clinton signed the Omnibus Consolidated and Emergency Supplemental Appropriation Act for FY 1999 (P. L. 105-277) ("the Act"). Section 123 of the Act (*available as [text](#) or [PDF*](#)*) outlined new statutory requirements regarding commercial fishing in the marine waters of Glacier Bay National Park. The new law directed the secretary of the interior and the state of Alaska to develop a cooperative management plan for the regulation of commercial fisheries within the park consistent with protection of park values and purposes, a prohibition on new or expanded fisheries, and opportunities for study of marine resources. The law provided for the continuation of commercial fishing in the marine waters of Glacier Bay National Park outside Glacier Bay proper. The law limited commercial fisheries within Glacier Bay proper to Tanner crab, halibut and salmon, and limited participation in these commercial fisheries to the lifetimes of individual fishermen with a qualifying history. Areas in the upper reaches and inlets of Glacier Bay proper are closed to all commercial fishing or are limited to winter season king salmon trolling by grandfathered fishermen. Designated marine wilderness areas are closed to commercial fishing, and compensation is provided for qualifying Dungeness

The Act 10/21/98

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Final Rule 10/20/99

- [text](#) or [PDF*](#)

Proposed Rule

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Map of the area

crab commercial fishermen displaced by closure of designated wilderness waters of the Beardslee Islands and Dundas Bay. A graphic of the park displaying the effects of the Act is available [here](#).

On May 21, 1999 the Act was amended by Congress under Section 501 of the 1999 Emergency Supplemental Appropriations Act (Pub. L. 106-31). **Section 501** modified the Dungeness crab compensation program by changing the eligibility period and compensation formulas, and by extending the application deadline for this program until August 1, 1999. Section 501 also appropriated \$23 million dollars for a new compensation program intended for fishermen, crewmembers, processors, communities and others adversely affected by restrictions of commercial fishing activities within Glacier Bay proper. The May Act also required the Secretary of the Interior to publish an interim final rule and provide a forty-five day public comment period, and to then publish a final rule implementing the requirements of Section 123 no later than September 30, 1999. Section 501 also delays implementation of the non-wilderness closures for ongoing halibut and salmon fisheries during 1999.

The National Park Service published a Proposed Rule in the Federal Register on April 16, 1997 (62 FR 18547 *available as [text](#) or [PDF](#)**) toward resolution of the complex array of legal biological and socioeconomic issues associated with commercial fishing activities in the marine waters of Glacier Bay National Park. NPS completed and released a Commercial Fishing Environmental Assessment in early April 1998. This comprehensive document described five different management alternatives under consideration by NPS prior to passage of the Act, including the Proposed Rule, and analyzed potential effects of each alternative on both the natural and cultural environments. An executive summary -- a much-abbreviated version of the EA -- is available [here](#) for viewing. Copies of either document are available by writing Glen Yankus, National Park Service Support Office, 2525 Gambell Street, Anchorage, Alaska 99503, or calling (907) 697-2645.

In passing the 1998 Act, the congressional managers of the legislation provided direction (see **House Conference Report 105-825**, p. 1213 *available as [text](#) or [PDF](#)**) to NPS to extend the public comment deadline on the Proposed Rule until January 15, 1999 and modify the draft regulations to conform to the Act before publishing final regulations. Accordingly, on January 11, 1998, NPS extended the public comment deadline on the proposed rule and EA to February 1, 1999. The Federal Register notice is available in [PDF](#)*. On December 11, NPS provided notice and application information regarding the Dungeness crab commercial fishery compensation program authorized by the Act (*available in [text](#) or [PDF](#)**). NPS published a new notice in the Federal Register on June 18, 1999 describing amended eligibility and application requirements for the Dungeness crab

compensation program (*available in PDF**). Applications for this specific program are due by August 1, 1999.

NPS has analyzed 1,557 **comments** provided by the public prior to the close of the comment period on the 1997 proposed rule/EA on February 1, 1999. The analysis of these comments will be provided in the pending interim rule required by Section 501 of the Act passed by Congress in May 1999. NPS published the re-proposed rule August 2, 1999 providing for a forty-five day comment period as required by Section 501.

The published **re-proposed rule** refers to an EA errata sheet. You can find this information linked under the Proposed Rule as the **Regulatory Flexibility Analysis** (RFA) and the **Economic Analysis Table**. Public comment to this information can be made with the comments to the re-proposed rule. Any additional public comment will be addressed in the FONSI and in the cooperatively developed management plan.

The **Final Rule** regarding Glacier Bay National Park Commercial Fishing Regulations was published in the Federal Register on October 20, 1999. This Final Rule establishes special regulations for commercial fishing in the marine waters of Glacier Bay National Park; closes specifically identified areas of non-wilderness waters in Glacier Bay proper and all wilderness waters within Glacier Bay National Park to commercial fishing; limits commercial fishing in Glacier Bay proper to three specific commercial fisheries; establishes a "grandfathering" process to allow qualifying fisherman in the three authorized commercial fisheries to continue fishing in the remaining waters of Glacier Bay proper under nontransferable lifetime permits; and clarifies that the marine waters of Glacier Bay National Park outside of Glacier Bay proper will remain open to various existing commercial fisheries. The full text of the Final Rule is *available here in text or PDF**.

NPS is currently working with the State of Alaska toward **implementation** of the \$23 million dollar compensation program that Congress, with Senator Ted Stevens instrumental in obtaining the funds, intended for other fishermen, crewmembers, processors and others affected by pending fisheries restrictions in Glacier Bay. Information on this compensation program will be provided as soon as it is available. To be placed on the mailing list to receive information, please call or write Glacier Bay National Park at the address and numbers provided in the last paragraph.

For the economic impacts to processors created by the June 15th closure of wilderness waters to the dungeness crab fishery and the pending September 30, 1999 closure of the bay to the harvesting of dungeness crab, an interim compensation plan is being implemented for the 1999 season for qualifying processors buying dungeness crab harvested from the Beardslee Island and Dundas Bay wilderness waters. An interim rule was published on July 29, 1999 in the Federal

Register. Application requirements are included in the rule. For more detailed instructions, contact the park at the address or phone number listed in the next paragraph.

For additional information or assistance regarding commercial fishing within Glacier Bay National Park, please contact the Superintendent, P. O. Box 140, Gustavus, Alaska 99826. Requests or letters can be faxed to the park at (907) 697-2654 or e-mailed to GLBA_Comm_Fishing@nps.gov. If you send e-mail, please include a postal address. Park staff can be reached by phoning (907) 697-2230.

In recent years, National Park Service and the Department of the Interior joined with the State of Alaska, commercial fishermen, Native leaders, Alaskan representatives of local, regional and national conservation groups, and hundreds of other citizens in working toward a balanced resolution of commercial fishing issues within Glacier Bay National Park. In one sense, passage of the Act, as amended, brings to conclusion many of the difficult issues and decisions that have characterized and vexed the debate about commercial fishing in the park for nearly two decades. In another sense, our work is just beginning as we move toward a future that will accommodate commercial fishing in the park and require higher levels of cooperation and collaboration with the state of Alaska. In this future, we see many opportunities to sustain economically important fisheries, to protect nationally significant marine resources, and to increase our knowledge and understanding of marine systems and processes. NPS is committed to achieving this vision for this great national park. Your concern, ideas and continued involvement are essential to getting there.

Thank you for your interest in the management and protection of Glacier Bay National Park and Preserve.

Tomie Patrick Lee
Superintendent

See also: [This issue's home page](#) for the latest developments.

** Unlike plain text, PDF files in Adobe Acrobat format preserve the appearance of the original documents, including fonts and columns. To view them you must have the Adobe Acrobat reader. You can download and install the reader free by [clicking here](#).*

Contact: glba_comm_fishing@nps.gov

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NPS Desired Outcomes and Principles

For Resolving Glacier Bay National Park Commercial Fishing Issues

January 1998

Goal: The National Park Service's goal in managing Glacier Bay National Park is to protect park resources and values in perpetuity. Specifically, NPS wishes to ensure that terrestrial and marine ecosystems remain natural and that appropriate visitor use opportunities are available.

Outcomes: Specific to resolution of commercial fishing issues, NPS's desired outcomes include:

- Natural ecosystem processes, biodiversity, population structure and density of species, and habitats are preserved and perpetuated
 - *Resident and/or sensitive species are protected*
 - *No significant expansion of existing fisheries; no new fisheries*
- Wilderness and other park inspirational, recreational and educational values are protected
 - *Fisheries are managed in concert with other park values*
- Knowledge and understanding of marine ecosystems are expanded
 - *Provide opportunities for science benefiting fisheries and marine ecosystems*
- Visitor experience opportunities in the park are enhanced
- Hoonah Tlingit cultural ties to the park are sustained and strengthened

Principles: NPS believes that an enduring resolution must be founded on an effective cooperative relationship with the State of Alaska, support socioeconomic stability in local communities, and treat individual fishermen fairly.

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History and Background of Commercial Fishing in Glacier Bay National Park

Commercial halibut and salmon fishing has occurred in the park since at least the turn of the century, when fish processing plants operated in Bartlett Cove, Excursion Inlet and Dundas Bay. Commercial fishing continued under federal regulation after the national monument's establishment in 1925 and its subsequent enlargement in 1939. Since 1966, however, regulation and legislation have prohibited commercial fishing in Glacier Bay National Monument and Glacier Bay National Park. Nonetheless, commercial fishing activities still continue in park waters. For a more detailed historical account of the commercial fishing issue in Glacier Bay please see the [Fisheries Chronology](#) and [associated Bibliography](#). Some of the more watershed events are summarized below.

In **1966**, NPS revised its fishing regulations so as to prohibit commercial fishing activities in Glacier Bay National Monument. Although the 1966 NPS regulations, unlike previous versions, only prohibited fishing "for merchandise and profit" in fresh waters, these same regulations generally prohibited unauthorized commercial activities, including commercial fishing, in all NPS areas. In contrast to earlier NPS regulations, the 1966 regulations did not contain specific authorization for commercial fishing in Glacier Bay National Monument.

The **1978** NPS "Management Policies" reiterated that "commercial fishing is permitted only where authorized by law." Furthermore, in 1978, the Department of the Interior directed FWS to convene an Ad Hoc Fisheries Task Force to review NPS fisheries management. The task force concluded that the extraction of fish for commercial purposes was a nonconforming use of park resources which should be phased out.

As already noted, in **1980**, ANILCA redesignated Glacier Bay National Monument to Glacier Bay National Park and Preserve, enlarged the area, and designated wilderness that included marine waters within the park. ANILCA specifically authorized certain park areas where commercial fishing and related activities could continue, including the Dry Bay area of Glacier Bay National Preserve but not any area of Glacier Bay National Park.

The **1983** revision of the NPS general regulations, still applicable, included a prohibition on commercial fishing throughout marine and fresh waters within park areas system wide, unless specifically authorized by law. The 1988 version of NPS "Management Policies," still current, reiterates this approach.

However, certain NPS documents during the 1980's suggested that some commercial fishing would continue in Glacier Bay. For example, the 1980 and 1985 Glacier Bay whale protection regulations implicitly acknowledged commercial fishing operations in Glacier Bay proper. Also, the park's 1984 General Management Plan stated the following:

Traditional commercial fishing practices will continue to be allowed throughout most park and preserve waters. However, no new (nontraditional) fishery will be allowed by the National Park Service. Halibut and salmon fishing and crabbing will not be prohibited by the Park Service.

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Commercial fishing will be prohibited in wilderness waters in accordance with ANILCA and the Wilderness Act.

The **1984** General Management Plan defined "traditional commercial fishing practices" to include "trolling, long lining and pot fishing for crab, and seining (Excursion Inlet only) in park waters . . .". Finally, the 1988 Final Environmental Impact Statement concerning wilderness recommendations for Glacier Bay National Park referred to the continuation of commercial fishing in nonwilderness park waters.

In **1990**, the Alaska Wildlife Alliance and American Wildlands filed a lawsuit challenging the NPS's failure to bar commercial fishing activities from Glacier Bay NP. Alaska Wildlife Alliance v. Jensen, No. A90-0345-CV (D. Ak.). In 1994, the district court concluded that "there is no statutory ban on commercial fishing in Glacier Bay National Park provided, however, that commercial fishing is prohibited in that portion of Glacier Bay National Park designated as wilderness area." An appeal of the district court's ruling is currently pending before the U.S. Court of Appeals for the Ninth Circuit. Alaska Wildlife Alliance v. Brady, Nos. 95-25151 and 95-35188 (9th Cir.).

Close to the time that the plaintiffs in the above litigation embarked on a judicial approach to resolution of the commercial fishing issues, the State of Alaska's Citizens Advisory Commission on Federal Areas hosted a series of public meetings in local communities to discuss the issues. After participating in these meetings, the NPS decided to draft a regulatory approach to resolving the issues.

NPS published its proposed rule on August 5, 1991 (56 FR 37262). In essence, the proposed rule would have (a) clarified the prohibition on commercial fishing in designated wilderness waters, and (b) exempted commercial fishing in other park waters from the nationwide regulatory prohibition for a "phase out" period of seven years. At the State's request, the Department of the Interior refrained from issuing a final rule in 1993, and instead agreed to discuss with State and Congressional staff the possibility of resolving the issues through a legislative approach.

In **1992**, Congress had considered but not enacted proposed legislation on commercial fishing in Glacier Bay NP. During the 1993-1994 discussions about legislative and regulatory possibilities, the participants enhanced their understanding of the facts, interests, options, and potential obstacles relevant to any final solution. Although the discussions did not lead to a legislative proposal, they have influenced the Department of the Interior's approach to this proposed rulemaking.

The NPS published a final rule concerning vessel management in the Park in May of **1996**. These regulations established motorless waters for portions of wilderness waters in Glacier Bay proper from May 1 - September 15. This vessel closure included the Beardslee Islands where the majority of Dungeness crab fishing occurs within the Bay. The NPS has not implemented closure of the Beardslees to commercial crab fishing vessels.

During September of **1995**, park staff met with the Alaska Department of Fish and Game (ADFG) Deputy Commissioner and state commercial fisheries managers to review the history of state, federal and congressional delegation interactions regarding commercial fishing and to explore options for resolution. The NPS and state agreed that a stable, long-term resolution required the involvement of key stakeholders representing the commercial fishing industry, Natives and conservation groups.

NPS and ADFG subsequently sponsored meetings with commercial fishermen, environmental groups and other interested parties during December of **1995** and March and May of **1996** in an attempt to resolve the commercial fishing issue in Glacier Bay. The process was halted because of concerns related to the Federal Advisory Committee Act (FACA). October 15, 1997

was the public comment deadline date for this legislation. However, in October the deadline was extended to June 1, 1998 to provide additional opportunity to comment on the rule and the subsequent Environmental Assessment due to be published in early Spring of 1998.

Beginning late Fall of 1997, the National Park Service began sponsoring full day public workshops in Juneau to exchange information, increase awareness of the issues and explore management options for commercial fishing within the park. These workshops (November 1997, January 1998 and February 1998) were conducted in association with the State of Alaska, Department of Fish and Game sponsored public meetings. Key interest groups and stakeholders participated with the State and NPS. An additional meeting by the Department of Fish and Game was held in March with hopes of continuing in the fall.

The Environmental Assessment and accompanying executive summary was published and available for comment early April of 1998. This document describes environmental and socio-economic effects of the proposed rule and four alternatives under consideration for managing commercial fishing in the park. The public comment period was to end June 1, 1998.

Seven NPS sponsored public hearings and open houses were held in six locations in southeast Alaska and Seattle in May of 1998. The afternoon open house was to provide an opportunity to exchange information regarding the NPS-EA and proposed rule. The evening public hearing served as an opportunity for members of the public to give formal, recorded testimony. The hearings were held in the communities of Gustavus, Hoonah, Pelican, Elfin Cove, Juneau, Sitka and Seattle. Informational meetings were held in Petersburg and Wrangell in September of 1998. The June 1, 1998 public comment deadline was extended to November 15, 1998 to accommodate requests made by the State of Alaska, the Alaskan delegation and commercial fishermen.

The Appropriation Act of 1999, signed October 21, 1998 by President Clinton, outlined new statutory requirements to address the problem of commercial fishing in Glacier Bay National Park. The Act provides direction to:

- extend the comment period of the Proposed Rule and Environmental Assessment to January 15, 1999.
- the NPS and the State of Alaska to develop a cooperative management plan to regulate commercial fishing within the park.
- continue fishing in the marine waters of Glacier Bay National Park outside Glacier Bay proper.
- limit within Glacier Bay proper, commercial fishing to qualifying fishermen and only for their lifetime.
- close designated marine wilderness areas to commercial fishing.
- provide compensation for qualifying Dungeness crab commercial fishermen displaced by the closure of the Beardslee Islands and Dundas Bay.

The comment period for the Proposed Rule and Environmental Assessment was extended to February 1, 1999 on December 23, 1998. To this date over 1500 comments have been received in response.

The Fisheries:

Commercial fisheries in Glacier Bay National Park waters are economically important to many local fishermen and communities. Yet this removal of living biomass impacts marine, freshwater and terrestrial ecosystems in ways that are often not apparent. For example, salmon harvested enroute to spawning streams become unavailable to marine mammals, eagles, bears and other wildlife or other ecosystem components. A brief summary of commercial fishing activities in Park waters follows. For a more detailed analysis of commercial fishing in

Glacier Bay National Park please see

Several species are targeted in Glacier Bay proper. Tanner crab pots are spread across the mid bay during openings for those species, which generally occur in the winter months. Dungeness crab are fished mostly in the lower to mid bay during separate summer and fall openings. Some of the most productive Dungeness crab fishing grounds are located in the Beardslee Islands. Halibut are fished year-around under the individual fishing quota (IFQ) system from the mouth of the bay to as far north as Reid Inlet. A small amount of commercial salmon trolling, mostly for chinook salmon, occurs during winter and spring within a few specific locations throughout the bay proper. Some groundfish species (i.e., Pacific cod, rockfish and sablefish) are fished primarily in the mid to lower bay.

Outside Glacier Bay, there are seine openings in Excursion Inlet during the fall chum salmon run which targets this spawners enroute to the Excursion River. Other fisheries in park waters include Dungeness crabbing off the Gustavus forelands, Dundas Bay and along the outer coast. Salmon trolling occurs throughout Icy Strait, Cross Sound and along the outer coast north of Cape, halibut and salmon fishing in Icy Strait from Point Gustavus to Cape Spencer. Also some shrimp are taken from Icy Strait and along the outer coast and in Lituya Bay. There is a large set gill net fishery in the preserve, where commercial fishing is specifically authorized by legislation. The Alaska Department of Fish and Game sets seasons and bag limits, while park rangers have joint jurisdiction to enforce state commercial fishing laws as well as park regulations. Fishing boats actively pursuing sanctioned fishing in park waters are exempt from vessel quotas. Motorless waters restrictions have also been modified to allow commercial fishing in the Beardslee Islands during the summer months.

For more information, see the [Commercial Fishing Home page](#) and the [Detailed Chronology of Commercial Fishing in Glacier Bay National Park](#).

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Detailed Chronology of Commercial Fishing in Glacier Bay National Park

Working Draft

This chronology contains summarized information from events relating to fisheries in what is now Glacier Bay National Park and Preserve (GBNPP). This information has been contributed by various fisheries stakeholders (*i.e.*, Hoonah Indian Association (HIA), National Park Service (NPS), and commercial fishing, and environmental interests) and compiled from a variety of sources (*i.e.*, reports, correspondence, plans, regulations, statutes, speeches, public statements, *etc.*) by the Alaska Department of Fish and Game (ADFG), Citizens Advisory Council on Federal Areas (CACFA), Elfin Cove Advisory Committee (ECAC), HIA, and NPS. The chronology is intended to serve as an unbiased, comprehensive reference to past events affecting fisheries and fishers and to provide a better understanding of these events and how they relate to one another. In addition it is intended as a ready reference to key documents for further research.

Events are listed chronologically by date and description (**in bold**) and briefly (≤ 200 words) summarized in terms of relevance to the fishing issue in GBNPP. Original cited references may be obtained from ADFG, CACFA, ECAC, HIA or NPS files and are detailed in an associated **bibliography**. For more information, see the **Commercial Fishing Home Page**. For a summary of this chronology, see the **History and Background** page.

1786, July. La Perouse observes and reports fishing methods of the Tlingit for halibut and salmon. Methods of fishing for salmon using weirs and hook and line fishing for halibut in Lituya Bay are described (La Perouse 1799).

1874. Surveyor-scientist, William Healy Dall, leads Coast Survey party on schooner Yukon along Outer Coast. The Glacier Bay region was described in an expedition report which is excerpted in Bohn (1967). *"The scenery is grand; the mountains, reaching 16,000 feet above the sea, are bedded in forest lowlands, and are scored by enormous glaciers."* Dall's 1883 Coast Pilot reportedly compared Lituya Bay to a Yosemite that had retained its glaciers.

1879. John Muir's visit to Glacier Bay.

Muir, with Tlingit guides and missionary S. Hall Young, reaches the rumored bay of great glaciers by canoe and commences the first of four explorations over two decades (Bohn 1967). Dynamic land and seascapes produced by glaciers and ice recession offer a vision of the Ice Age. The combination of mountains, ice, and sea produce *"a picture of icy wilderness unspeakably pure and sublime."* Muir's scientific and descriptive writings bring Glacier Bay to the attention of the American public. As a result, Glacier Bay becomes the archetype of Alaska and the promise of remote wonders beyond its frozen mountains.

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1881, Sept. Muir's companion, S. Hall Young, learns of the Brady Glacier advance from a Tlingit man in Taylor Bay. This advance precluded access to a stream system by king salmon (Young 1915, Bohn 1967) which may have ultimately affected the welfare of the household relying on this particular spawning run.

1882. Krouse, A. Journey to the Tlingits. Translated from the German by Margot Krouse-McCaffrey.

Aurel Krouse (also spelled Krause in other publications) describes a visit to the Tlingit settlement at Hoonah in either 1881 or 1882 (Krause 1881). Aurel and Arthur Krause, German geographers representing the Geographical Society of Bremen, completed work initiated by Nordenskiöld on the Chukchee Peninsula in 1878 (Krause 1956). Aurel worked in Southeast Alaska following Arthur's departure and contributed early ethnographic information on Tlingit culture. Krause eventually settled in the village of Klukwan.

1883. First tourist steamship, the sidewheeler Idaho under Captain James Carroll, enters Glacier Bay.

Passenger Elizah Scidmore begins a tradition of published travel journals and descriptions of "*The Wondrous Scene*" that further stimulated national interest in Glacier Bay (Bohn 1967). First tourist party lands at Muir Glacier, it's ice still near the mouth of Muir Inlet--both named by Captain Carroll.

1883-99. Initial tourism period aboard cruise ships in Glacier Bay.

Captain Carroll's voyage begins an active schedule of tourist steamers bringing hundreds of visitors to Glacier Bay and Muir Glacier every summer (Bohn 1967). The Queen, Carroll's later ship, and the City of Topeka were top-of-the-line cruise ships of the period. Promotional literature enticed passengers with words like these on Muir Glacier: "*Witness its vastness! Let eyes and senses feel the terrible suggestion of this powerfully silent sea of resistless ice. It is the culmination of all seen before or that may be seen again . . . an unconquerable evidence of eternity itself.*" Among the visitors were world-class scientists who began to decipher the meaning of relict forests and ice recession. One of these, English geologist G.W. Lamplugh, asserted: "*This whole region forms a magnificent field for the study of glacial phenomena.*"

1885-1959. Salmon traps introduced and used throughout Southeast Alaska to intercept migrating salmon.

The first trap in use in Alaska was reportedly sited in Cook Inlet (Browning 1974). These traps were incredibly effective averaging 50,000-100,000 fish per trap and harvesting even more than 50% of the territory's total salmon harvest in 1925-34 before being outlawed after statehood (Cooley 1963). In fact, outside ownership of the salmon traps by large canneries motivated territorial commercial fishing interests to lobby for statehood and local control over it's fisheries resources. At least 17 traps were located along Icy Strait adjacent to and even within the waters of Glacier Bay National Monument (Goldschmidt and Haas 1946, Nakatani, Paulik and Van Cleve 1975, Langdon 1980). Traps were once sited within Dundas Bay, east of Point Dundas, in Bartlett Cove and at Point Gustavus.

1889. Federal legislation bans impediments to anadromous fish spawning migration.

Federal legislation ("*An act to provide for the protection of the salmon fisheries of Alaska*") passed banning the erection of barricades, dams or any other means in streams to impede the ascent of salmon to their spawning beds (Moser 1899). The Department of the Treasury was assigned responsibility for enforcing this law.

1889-1931. Heyday of Alaska cannerys: Bartlett Cove, Excursion Inlet, Hoonah and Dundas Bay cannerys in operation. As many as five cannerys operated within a 30 year period in northern Icy Strait. The Bartlett Cove saltery, sited on Lester Island and owned by Peter Buschmann of the Icy Straits Packing Company, reportedly operated from 1889-1899 and packed up to 240 tons of salmon in 1899 (Moser 1901, Jacot 1960, Kutchen 1960). However, a letter from August Buschman to David Hamlin (Buschman 1960) notes a cannery, owned by a San Francisco based company, had previously existed at this site but was destroyed by fire. The saltery was sold in 1900 following initial construction of a cannery sited across Bartlett Cove south of the original saltery. Johnson and Cobb (1930; in Langdon 1980) report the Bartlett Cove cannery as having been constructed in 1890 and refer to it as the first cannery in Icy Straits. The Dundas Bay Cannery (a.k.a. Santa Rita Cannery), constructed in 1900 by the Western Fisheries Company, apparently changed ownership in 1901 when it was purchased by Pacific Packing and Navigation Company (Moser 1901, Kutchen 1960). This cannery operated until 1931. The Astoria and Puget Sound Company cannery was built and operated in Excursion Inlet in 1908 followed closely by operation of the Hoonah Packing Company in Hoonah and another cannery, Pacific American Fisheries, which was also sited in Excursion Inlet (Langdon 1980). Cannerys operating in this era relied on local Tlingits, both men and women, for harvest of commercial species as well as processing of the catch as on-site laborers.

1890. Early scientific study of the Muir Glacier.

John Muir and geologist-glaciologist Harry Fielding Reid, the latter sailing to the bay aboard steamer George W. Elder, join forces in the study of Muir Glacier (Bohn 1967). Muir wrote of the tourists loosed on the glacier by Carroll's steamer Queen: "*What a show they made with their ribbons and kodaks!*"

1896. Federal legislation specifys spatial restrictions for gear, temporal closures and fishery management authority. Additional federal legislation passed to: 1) make unlawful the use of a set net, trap, pound net or seine above the "*tide waters*" of any river less than 500 feet in width at the mouth, 2) prevent blocking more than a third of the mouth with any of these means for capture, 3) restrict fishing within one hundred yards of any other net, 4) close Southeast and Kodiak waters to fishing from midnight on Friday to 0600 h Sunday morning, and 5) authorize Treasury agents to close streams or areas for conservation purposes (Moser 1899).

1898. Federal legislation establishing regulations for salmon traps throughout Alaska.

Additional federal legislation passed requiring licenses for stationary traps, establishing regulations for their construction and extending enforcement jurisdiction for this gear type to all territorial waters of Alaska (Moser 1899).

1899. Harriman Expedition visits Glacier Bay.

The Harriman Alaska Expedition, sponsored and paid for by railroad magnate Edward H.

Harriman, comes to Glacier Bay in June aboard the *Elder* (Bohn 1967, Burroughs *et al.* 1901). The party, in addition to Harriman's family, comprises America's scientific, artistic, and literary elite. In the field of science Muir, Dall, Burroughs, Gilbert, Gannett, and Merriam led the way. The 14-volume Harriman Expedition report--distributed widely to libraries and scholars--described, charted, and pictured the ice rivers of Glacier Bay, along with other coastal zones and the Native peoples who lived there. Combined with the ongoing Gold Rush, these beautiful books and magnificent photo album helped change perceptions of Alaska from igloo-and-icebox to field of adventure and scientific study. John Burroughs captured the spirit of the expedition: *"We saw the world-shaping forces at work; we scrambled over plains they had built but yesterday."*

1899, Sept. Earthquake chokes Glacier Bay waters with icebergs; tourism curtailed but scientific investigation continues. Captain Carroll and a few other shipmasters try upbay passage for a few seasons, then abandon the route (Bohn 1967). Scheduled cruise ships will not reappear for 60 years. The tourists disappear but the scientists, now ready to go beyond description to explanation, keep coming to Glacier Bay.

1900. Change in status for salmon streams from communal property to private ownership.

Erection of a cannery in Dundas Bay occurred subsequent to monetary transaction with Tlingit "owner" permitting use (Cobb 1930, George Dalton oral report cited in Langdon 1980).

1906. Early scientific understanding of glacial dynamics in Glacier Bay.

F. and C. Wright, of the U.S. Geological Survey (and a year later, H. Reid), begin systematic explanation of glacial dynamics in Glacier Bay (Bohn 1967).

1913-1918. Appearance of gasoline-powered purse seine fishing vessels in Icy Straits.

The first gasoline-powered seining vessel appeared on the west coast of Prince of Wales Island around 1910 (Langdon 1980). However, gasoline-powered purse siners were first sighted in Icy Strait in either 1913 or 1918, according to local knowledge, and residents of Hoonah were operating power boats in the early 1920s.

1916. Organic Act.

Established the National Park Service. Directed the Secretary of the Interior and the NPS to manage parks and monuments to *"conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."* Also granted the Secretary the authority to implement *"rules and regulations as he may deem necessary or proper for the use and management of parks, monuments and reservations under the jurisdiction of the National Park Service (16 USC 1; U.S. Congress 1916)."*

1916 to Present. The age of scientific inquiry in Southeast Alaska's natural laboratory, Glacier Bay.

In 1916, ecologist William S. Cooper of the University of Minnesota began a series of classic

studies of plant succession in the field laboratory provided by rapid ice recession in Glacier Bay (Bohn 1967). Cooper's work initiated a collaboration between glaciologists, geologists, botanists, and other biologists that brought major scientific personages and collaborative scientific studies to Glacier Bay to trace the relationships between glaciers and life forms. This work continues to the present day, its extent documented in the 70-page *"Bibliography of Research and Exploration in the Glacier Bay Region, Southeastern Alaska, 1798-1992,"* published as USGS-Open File Report 92-596 (Howe et al. 1992). Major, selected personages of international renown following Cooper in this work include William O. Field (glacier observations), Donald B. Lawrence (nitrogen fixing studies), and Richard P. Goldthwaite (comprehensive glaciological, geological, and ecological studies). These men, individually and together, mentored scores, and in time hundreds of other scientists whose work increases in complexity and importance with each passing year. Internationally attended Glacier Bay Science Symposia in 1983, 1988, and 1993 brings the Glacier Bay science community together to further their interdisciplinary work.

1924. White Act.

Enhanced the power of the Secretary of Commerce to limit or prohibit fishing in all the territorial waters of Alaska (43 Stat. 464; U.S. Congress 1924). The Secretary was previously empowered to regulate fisheries (primarily salmon) within 500 yards of stream mouths. It promoted common property principles stating that *"no exclusive or several right of fishery shall be granted therein, nor shall any citizen of the United States be denied the right to take, prepare, cure, or preserve fish or shellfish in any of the waters of Alaska where fishing is permitted by the Secretary of Commerce"* (Cooley 1963). Thus, this law ensured that the salmon fishery would remain common property (Langdon 1989). The White Act required a closure of the fishery at the mid or halfway point of the runs during the period when most of the catch was harvested in large floating fish traps.

1924. Halibut Convention of 1923 ratified and International Fisheries Commission established.

This provided a cooperative forum for the U.S. and Canada to study halibut and recommend regulatory measures for conservation and fishery development (International Pacific Halibut Commission 1987). The Convention provided for a 3-month winter closure during the spawning period and addressed incidental catch of this species during the closure.

1925, 26 Feb. Establishment of Glacier Bay National Monument by presidential proclamation.

Based on William S. Cooper's 1922 report on Glacier Bay studies, the Ecological Society of America recommends that Glacier Bay be designated a National Monument or National Park, because of its scenic and scientific merits (Cooper 1956). Glacier Bay was proclaimed a National Monument by President Calvin Coolidge on Feb. 26, 1925. The Monument boundary included the marine waters north of a line running from approximately Geikie Inlet to the northern extent of the Beardslee Islands. Specifically, the enabling proclamation noted that *". . . this area presents a unique opportunity for the scientific study of glacial behavior and of resulting movements and development of flora and fauna and of certain valuable relics of ancient interglacial forests* (43 Stat. 1988: Coolidge 1925)." Glacier Bay was enlarged by 905,000 acres in 1939, and enlarged by 470,000 acres and redesignated a National Park and Preserve in 1980.

1926. Development of Inian Islands seine fishery.

Development of Inian Islands seine fishing grounds including North Pass grounds from Point Spencer to Point Carolus, by "*Slavonian*" fishermen from Puget Sound occurred during the first part of this century (Langdon 1980). Concurrently, the Hoonah captains adapted these methods to their equipment and smaller boats. Such hook-offs as the "*Laundry*" are well known today. Additionally, hook-offs such as "*Washington*" and "*Grant's*" were named for the vessels of the innovative boat captains discovering them.

1930. International Fisheries Commission implements harvest levels and restrictions.

The Halibut Convention of 1930 allowed the International Fisheries Commission (precursor to the International Pacific Halibut Commission) to implement time/ area restrictions and set harvest levels by area (International Pacific Halibut Commission 1987). Vessel licensing began in addition to the collection of harvest statistics, regulation of gear and the prohibition of fishing on nursery grounds.

1931. International Fisheries Commission (IFC) adds Conference Board of fishermen.

The IFC (now the International Pacific Halibut Commission), established in 1923 by a Convention between Canada and the United States, adds a Conference Board of fishermen and vessel owners to provide for input from the industry and to assist in development of regulations (International Pacific Halibut Commission 1987).

1934, 6 June. Secretary of Commerce authorized to designate and reserve Alaska fishing areas.

Under this act the Secretary of Commerce was authorized to "*set apart and reserve fishing areas in any of the waters of Alaska . . . and within such areas . . . establish closed seasons during which fishing may be limited or prohibited . . .*" (43 Stat. 464; U.S. Congress 1934)."

1936. Conservation activities: mining interests in Glacier Bay opposed.

Ecological Society of America leads opposition to bill in Congress that would allow mining in Glacier Bay National Monument (H.R. 9275, introduced by territorial delegate to Congress Anthony Dimond), in cooperation with Carnegie Institution, National Park Association, and Wilderness Society, and individuals including Ansel F. Hall, Robert Marshall, and Gifford Pinchot (Cooper 1956). H.R. 9275 was eventually killed in committee.

Another bill for the same purpose (S. 4784), introduced five days before close of Congress' session, was passed by Congress and signed by President Roosevelt on June 22, 1936 (Cooper 1956). This fait accompli occurred without public hearings. The committee formed to force reconsideration and repeal of this Act comprised the following organizations: Ecological Society of America, National Association of Audubon Societies, National Parks Association, Izaak Walton League, American Forestry Association, American Nature Association, American Association for the Advancement of Science, and Wilderness Society. Citing the unfairness of the secret legislative process that preempted opposition, the committee's report warned of ". . . *serious danger to the purposes for which the Monument was established. . .*" and the dangerous precedent of this process for ". . . *the future of our National Park System.*" But the Act could not be rolled back so the committee cooperated with the Secretary of the Interior in the preparation of general regulations to limit damage, as provided in the Act.

1937, 12 Feb. Bureau of Fisheries regulation pertaining to fisheries in the Monument.

Early fishery regulations promulgated by the Bureau of Fisheries addressed fisheries within the Icy Strait district which included Glacier Bay National Monument. *"All commercial fishing for salmon is prohibited in Glacier Bay north of 58 degrees 27 minutes 54 seconds north latitude (2 FR 359 and 4 FR 927; Bureau of Fisheries 1937)."*

1939, 18 April. Monument expansion by presidential proclamation.

The expansion included additional land and specifically marine waters including the lower portion of Glacier Bay, parts of Cross Sound, North Inian Pass, North Passage, Icy Passage and Excursion Inlet and waters three miles seaward of the outer coast between Cape Spencer and Sea Otter Creek. (53 Stat. 2534; Roosevelt 1939) This expansion of the Monument by 905,000 acres, to the Outer Coast and Icy Strait, was largely to protect brown bears and their habitat (Catton 1995), spurred in part by Alaska Game Commission interpretations and loosening of Alaska game laws governing brown bear hunting seasons. This action was supported by broad coalition of conservation organizations, scientists, nature writers, and animal humane societies. This movement coincides with a basic change in NPS wildlife policies, from predator control to conservation of predators as critical components of natural systems, and adoption of an ecosystem approach to park boundaries and habitat preservation--as distinct from political boundaries that partition natural systems.

1941, 4 March. USFWS regulations affecting the Monument.

Regulations enacted by the USFWS addressing allowances for, and restrictions on, commercial fisheries within the Monument. *"Gear restriction, Glacier Bay. All commercial fishing for salmon, except by trolling, is prohibited in Glacier Bay north of 58 degrees 27 minutes 54 seconds north latitude (6 FR 1252 § 222.17, 50 CFR part 222; USFWS 1941)."*

1941, 26 March. Early NPS fishing regulations permitted commercial fishing in the monument.

Special regulations were adopted to allow commercial fishing in Glacier Bay National Monument in response to a NPS Wildlife Division recommendation to allow commercial salmon trolling in Glacier Bay *"when such fishing does not endanger sport fishing."* These regulations prohibited *"fishing with nets, seines, traps, or by the use of drugs or explosives, or for merchandise or profit, or in any other way than with hook and line, the rod or line being held in the hand . . . except that commercial fishing in the waters of Fort Jefferson and Glacier Bay National Monument is permitted under special regulation (6 FR 1627 § 2.4 (b), 36 CFR 2.4; USNPS 1941)."*

1941, 29 April. NPS Director Drury addresses Federal Regulations on commercial fishing in the Monument.

Newton B. Drury, NPS Director, in correspondence addressed to the Director of the U.S. Fish and Wildlife Service states *". . . all of the waters of Glacier Bay navigable to small boats are open to commercial fishing of one type or another"* in accordance with Federal Regulations (Drury 1941).

1946. Possessory Rights of the Hoonah Community.

This is a compendium of statements from Hoonah elders concerning historical use and occupation of waters and lands that are now Glacier Bay National Park (Goldschmidt and Haas 1946). The natives of Hoonah, according to this document, have possessory rights to the following areas: 1) the lands at the head of Excursion Inlet, and along the streams at its head for a distance of 5 miles, 2) the shores of Glacier Bay from the north to the head (mouth?), subject to the restrictions on its use in accordance with the regulations of the NPS, and 3) the east portion of Dundas Bay and the land area between Glacier Bay and Dundas Bay.

1951. USFWS regulations affecting the Monument.

Regulations enacted by the USFWS addressing allowances for, and restrictions on, commercial fisheries within the Monument (16 FR 2158, 50 CFR part 117; USFWS 1951). Specifically, fishing was prohibited in Dundas Bay north of 58 degrees 20 minutes north latitude and in Glacier Bay north of 58 degrees, 27 minutes and 54 seconds north latitude. Seasons and gear restrictions were also specified.

1953. Creation of the International Pacific Halibut Commission (IPHC).

The Halibut convention of 1953 renamed the International Fisheries Commission the IPHC (IPHC 1987). The IPHC was charged with maintaining halibut stocks for maximum sustained yield. Multiple seasons distributed fishing effort according to seasonal availability of fish stocks.

1953. Submerged Lands Act.

Relinquished to the States title to submerged lands EXCEPT *"all lands expressly retained by or ceded to the United States when the State entered the Union. . . ."* (43 USC § 1311-1313; U.S. Congress 1953)

1955. NPS regulations reference allowance of commercial fishing in the Monument.

These regulations were in accordance with special regulations approved by the Secretary of the Interior. The regulation states that possession or use of bait fish or eggs is prohibited except in certain parks, including *"the waters of Glacier Bay National Monument in which commercial fishing is permitted in accordance with 50 CFR 117.8 (d)"* regulations approved by the Secretary of the Interior on Feb. 28, 1941 (20 FR 618, 36 CFR 1.4; USNPS 1955). In addition, these regulations allow discretionary authority of NPS Superintendents to close fishing in Parks with appropriate notice.

1955, 31 March. Exclusion of lands from Monument by Presidential Proclamation.

Presidential proclamation 3089 excluded approximately 24,925 acres from the monument, with approximately 10,184 of those acres added back to the Tongass National Forest (20 F.R. 2103, Eisenhower 1955). The remaining approximately 14,741 acres of land excluded from the monument were in the Gustavus Area. The proclamation also excluded some 4,193 acres of water from the monument. *"Whereas it appears that it would be in the public interest to exclude the said lands comprising the Gustavus Area and the Excursion Inlet Area from the Glacier Bay National Monument, and to restore the lands within the Excursion Inlet Area to the Tongass National Forest..."*

1959. Alaska Statehood Act. Fish traps abolished. Board of Fisheries established.

Authority to regulate fisheries transferred to the state (Public Law 85-508, 72 Stat. 339; U.S. Congress 1958). Board of Fisheries and Game established to conserve and develop state fisheries resources (AS 16.of.221-320 and AS 16.10.060).

1959, 19 March. USFWS regulations affecting the Monument.

Regulations enacted by the USFWS addressed allowances for, and restrictions to, commercial fisheries within the Monument. (24 FR 2053 *et seq*, 50 CFR part 115; USFWS 1959)

1962, 3 July. NPS regulations reference allowance of commercial fishing in the Monument.

These regulations were in accordance with special regulations approved by the Secretary of the Interior (27 FR 6281; USNPS 1962).

1964. Wilderness Act.

Subsect. 4 (c) of the Wilderness Act (Public Law 88-577, 78 Stat. 890-896; U.S. Congress 1964) prohibits commercial activities not directly related to visitor use in wilderness. *"Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise . . . within any wilderness area designated by this Act."* The specific provision is contained in Subsect. 4 (d) (6) which states that *"Commercial services may be performed within the wilderness areas designated by this act to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas."* Subsect. 4 (d) (1) states *"Within wilderness areas designated by this Act the use of aircraft or motorboats, where these uses have become established, may be permitted to continue subject to restrictions as Secretary of Agriculture deems desirable."*

1966, 29 Dec. Unauthorized commercial activities prohibited in park areas.

"Engaging in . . . any business in park areas, except in accordance with the provisions of a permit, contract or other written agreement, . . . is prohibited." In contrast with earlier regulations these regulations lacked special authorization for commercial fishing in the Monument. (31 FR 16661, 36 CFR 5.3; U.S. Congress 1966)

1971/ 74. Draft Glacier Bay National Monument Master Plan and Environmental Impact Statement.

Discusses commercial fishing activity (halibut, salmon, crab, shrimp, and scallops) within the Monument, including a limited discussion of type of activity and locations (USNPS 1971). Also discusses the impacts to fishery of both redesignation of monument as a national park and designation of some areas as wilderness. The draft EIS (USNPS 1974) which was never approved noted *"Commercial fishing generally would not be impacted by this master plan proposal. However, some loss of potential commercial salmon and halibut and crab will be lost in upper Dundas Bay and Hugh Miller Inlet which will be designated as water wilderness areas. The magnitude of impact is believed to be low, however, because little use of these areas has been made by fishermen to date."*

1971-76: Conservation groups support wilderness and oppose mining.

National conservation groups support 2-million acre wilderness designation in Glacier Bay National Monument and oppose Newmont Exploration Ltd. proposals for major mining development on Brady Icefield, access road down Dixon River, and industrial/ transport townsite at Dixon Harbor (Catton 1995). Wilderness designation was deferred by Nixon and Ford administrations pending completed mineral surveys in the Monument. Mining threat allayed by Mining in the Parks Act of 1976--legislation brought about by national conservation groups to halt uncontrolled mining in six units of National Park System where special mining acts made such mining legal. The 1976 Act repealed the 1936 special mining act for Glacier Bay National Monument.

1971, Dec. 18. Alaska Native Claims Settlement Act of 1971 (ANCSA) and 1980 Alaska National Interest Lands Conservation Act (ANILCA). ANCSA abolished native title to submerged lands and fishing rights (Catton 1995). ANCSA also launched the "d-2" era leading to ANILCA in 1980. This period was dominated by the struggle between development interests and conservation/ preservation interests, the latter combining Alaska and National organizations in the Alaska Coalition. By the terms of ANILCA, Glacier Bay was redesignated a National Park and Preserve, with National Park land base designated "*instant*" wilderness, along with selected waters. These changes confirm the intent of Congress, inadvertently dropped from ANILCA Sec. III0 in markup, that Glacier Bay was to be considered an "*old line*" rather than an ANILCA-generation park (see also U.S. Congress 1980).

1974. State implements Limited Entry for most salmon fisheries. Icy Strait and Homeshore seine closure.

The Commercial Fisheries Entry Commission determined the maximum number of participants in the power troll and criteria for determining eligibility (AS 16.43.010-990). The decline of northern Southeast pink salmon stocks led to the closure of all of Icy Strait (exclusive of Excursion Inlet) to seine fishermen to allow adequate escapement of stocks returning to northern Southeast (Langdon 1980). This reportedly severely affected the economic standing of seine fishermen and many eventually lost their boats.

1976, April 13. U.S. Magnuson Fishery Conservation and Management Act (MFCMA).

Enacted in response to unrestricted foreign fisheries harvest off Alaska (Public Law 94-265, Apr. 13, 1976; 90 Stat. 331; Title 16, §1801, *et seq.*; U.S. Congress 1976). This act required renegotiation of all international fisheries treaties, established fishery management councils for regulating fisheries and established the U.S. Fisheries Conservation Zone. The U.S. Fisheries Conservation Zone resulted in the creation of the Exclusive Economic Zone (EEZ) within 200 miles of the U.S. coast. The North Pacific Fisheries Management Commission was created under this act to develop federal fishery management plans (FMPs) for fisheries in the EEZ.

This act also relegated control of Alaska's fisheries to state (ADFG) and federal agencies such as the National Marine Fisheries Service (NMFS). The ADFG is responsible for management of salmon, herring, crab and other invertebrate fisheries. NMFS, with the exception of a few small fisheries within the inside waters of Southeast Alaska and Prince William Sound, is responsible for management of all groundfish fisheries.

1978. Redwood National Park Act.

Amendment to the Organic Act. It states "*The authorization of activities shall be construed and*

the protection, management and administration of (NPS areas) shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress (PL 95-250, 92 Stat. 163, 16 USC Sec. § 1a-1; U.S. Congress 1978)." This act provided the statutory authority for the 1983 NPS ban on commercial fishing.

1978, April. Establishment of USFWS Ad Hoc Task Force to review and evaluate NPS fisheries management/ policies (USFWS 1978, 1979).

1978, 1 Dec. Presidential Proclamation to set apart and reserve lands for inclusion in the Monument.

Presidential Proclamation 4618 (43 FR 234; Carter 1978) ". . . set apart and reserved for inclusion in the Glacier Bay National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the Enlargement of Glacier Bay National Monument on the map numbered GLBA-90,005 . . ." The reserved area consisted of approximately 550,000 acres.

1979. Two year phase-out of reciprocal fishing privileges between U.S. and Canada for Pacific halibut.

The Magnuson Act (U.S. Congress 1976) required renegotiation of international fisheries treaties. The U.S. and Canada renegotiated an amendment or protocol to the 1953 Halibut Convention (International Pacific Halibut Commission 1987). The Protocol implemented a two year phase-out of reciprocal fishing privileges between the countries and required specific proportions of the harvest in certain International harvest areas to be allocated between the two countries.

1979, 30 Jan. C. Richard Neely (DOI solicitor) opinion.

Cites case law to argue that the NPS has the power to regulate the uses of waters within Park boundaries regardless of who has title to the submerged lands (Neely 1979).

1980. Chinook salmon harvest range implemented for troll fishery.

The North Pacific Fishery Management Council and the Alaska Board of Fisheries implement chinook harvest range in the troll fishery (5 AAC 33.365 (b)).

1980, 25 Feb. USFWS Ad Hoc Task Force report published.

NPS published notice of availability of the task force's report in the Federal Register (45 FR 12304) and requested public comment. The report considered commercial fishing to be a *"non-conforming use of park resources"* and called for the phase-out of commercial fishing *"except where it is an appropriate use based on historical or cultural significance (USNPS 1980a)."* The task force recommended that the NPS should enter into cooperative agreement with state conservation agencies to develop aquatic management programs to meet NPS objectives. Another recommendation was that *"only fishery management programs that support NPS goals and objectives for aquatic resources shall be permitted."*

1980, 15 May. Publication of proposed humpback whale regulations.

These were the first (45 FR 32233, 32236, 36 CFR § 7.23; USNPS 1980b) of a series of proposed regulations affecting humpback whales. Final whale regulations prohibiting commercial and charter fishing for whale prey species (*i.e.*, capelin, sandlance, euphausids, shrimp and Pacific herring) were published in the Federal Register (45 FR 30294) and codified (36 CFR § 13.65; USNPS 1983b) in 1983. However, the interim rule prohibited commercial or charter fishing operations for capeline, sandlance, euphausids and shrimp on this date.

1980, 2 Dec. Alaska National Interest Lands Conservation Act (ANILCA).

Redesignated the Monument as a Park including all land and waters of the existing Monument plus additional land areas in the Dry Bay Preserve (Public Law 96-487; U.S. Congress 1980). Explicitly states that commercial fishing operations in Dry Bay would continue and subsistence use in this area and in any portion of the 1978 monument designation where such uses were carried out prior to December 1978 should be continued. Stipulated that certain NPS units in Alaska including Glacier Bay *"are intended to be large sanctuaries where fish and wildlife may roam freely, developing their social structures and evolving over long periods of time as nearly as possible without the changes that extensive human activities would cause."* Established virtually the entire land area of the Park as Wilderness and also included five marine areas of Glacier Bay as Wilderness waters. Wilderness areas were to be administered in accordance with the 1964 Wilderness Act (Public Law 88-577, 16 USC 1133 (c); U.S. Congress 1964). Allowed for continued motorized access to Wilderness areas for traditional activities unless such motorized use was a detriment to the resource. However, commercial activities not related to recreational and wilderness purposes are prohibited by the Wilderness Act.

1981. Summer troll closure and special regulations implemented for allocation and conservation.

The summer coho troll fishery was closed for conservation reasons (5 AAC 33.365 (a) 3-5). Additionally, eight day on and six day off troll fishing periods were implemented in portions of Districts 12, 14 and 15 from July 15 through September 20 (5 AAC 33.311 (m)). Eight day on and six day off periods were in effect through 1985. These regulations did not cover Glacier Bay waters north of 58° 27' 54" (ca. Young Island-Rush Point).

1982, 5 May. J. Roy Spradley, Jr. (DOI solicitor) memorandum.

The Spradley (1982) memorandum is a legal opinion asserting that Glacier Bay wilderness waters should be closed to commercial fishing under terms of ANILCA and the Wilderness Act of 1964. Based on language in the Wilderness Act that prohibits the non-recreational commercial uses of wilderness. The opinion states that while motorized access to wilderness is allowed under ANILCA, the purpose for such access must be the pursuit of activities that are both *"permitted"* and *"traditional."* Since the activity of commercial fishing in wilderness is specifically prohibited by the Wilderness Act, it fails the first test, and therefore it is not necessary to determine if it is a *"traditional"* activity.

1982, 29 Sept. Robert E. Price (State Asst. Attorney General) memorandum.

This memorandum (Price 1982) is a legal analysis for the Citizens' Advisory Commission on Federal Areas (CACFA) refuting the May 5, 1982 DOI solicitor's claim to federal jurisdiction

over the marine waters in Glacier Bay. Price's position was that jurisdiction over submerged lands lies with the state according to the Alaska Statehood Act and Submerged Lands Act. Price suggested that the CACFA recommend to Congress that it amend ANILCA with a new map of Glacier Bay deleting the Wilderness designation from the waters above submerged lands. If Congress was unwilling to take action then the *"commission could recommend to the Attorney General of the State of Alaska that he initiate action in the US Supreme Court to establish ownership of submerged lands in the state."*

1983. Alaska's hand troll fleet placed under limited entry.

Participation in the hand troll fishery rapidly increased between 1975 and 1978 along with the average catch per week and the average number of weeks fished by participants (Shirley 1992). Placing this fishery under limited entry was highly contentious but by 1983 this fishery was limited and regulations codified (20 AAC 05.330).

1983, 30 March. Don Baur (DOI solicitor) research note (possibly dated 29 November 1982 in Catton).

Legal opinion (Baur 1983) affirming that submerged lands were included in the original and expanded National Monument and remained under federal ownership even after Alaska became a state. Defines *"lands"* and *"public lands"* in the Monument proclamations to include submerged lands. Argues that water areas and submerged lands are essential *"to fulfill the scientific study and public use purposes"* of the Park.

1983, 6 April. Proposed regulation to close wilderness waters to commercial fishing and prohibit trawling.

Proposed rule published in the Federal Register (48 FR 14980; USNPS 1983a). Provides for permanent closure of 5 marine Wilderness Areas in GBNPP to snowmachines, motorboats and aircraft from 1 May-1 Sept. and to permanent closure of these areas to commercial fishing in compliance with the Wilderness Act. The proposed rule would also close the bay to trawling.

1983, 10-16 April. Public hearings on proposed regulations and the General Management Plan.

Commercial fishing interests express that the proposed commercial fishing regulations are unjust and believe them to be a means to reduce vessel traffic in the bay (Alaska Fishermen's Journal 1983 in Catton 1995). They argue that the regulations allowed recreational vessels access to Wilderness during the height of the season but prevented commercial fishing vessels from entering even during winter. Fishermen held that the NPS was being discriminatory in allowing recreational but excluding commercial fishing vessels.

1983, 11 May. Joseph W. Geldhof memorandum to John Katz, Special Counsel to the Governor

The state's legal analysis (Geldhof 1983) lays out *"options"* to Department of Interior's proposed regulations to close Glacier Bay to commercial fishing. These options are separately discussed, and include administrative, litigative and legislative solutions. Geldhoff suggests that negotiations should continue with the Secretary of the Interior to provide discretionary relief for the continuation of commercial fishing. He suggests the Governor's office could also request that the Federal Government solicit public input, prepare an Environmental Assessment and

extend the comment period prior to final rulemaking. Geldhoff suggested that the state explore a legislative solution to the commercial fishing issue before litigation.

1983, 30 June. NPS prohibition of commercial fishing.

In response to the Redwood National Park Act, this regulation (48 FR 30252 and 36 CFR § 2.3 (d) (4); USNPS 1983a) prohibited commercial fishing in all areas of National Parks *"except where specifically authorized by Federal statutory law."* An earlier draft of this regulation referred only to commercial fishing in freshwater and not saltwater; this version went through a public review process but little input was received from Alaskans and the NPS. When published in final form, the regulation was amended to include marine waters.

1983, 1 July. Whale protection regulations and exemption of commercial fishing vessels from vessel entry requirements. Commercial fishing harvest restricted for four whale prey species (*i.e.*, capeline, euphausiids, sandlance, and shrimp (36 CFR § 13.65 (f): USNPS 1983b). Harvest of shrimp in the family Pandalidae was not permitted. Commercial fishing vessels were exempted from seasonal vessel entry limits.

1983, 12 Aug. J. Roy Spradley, Jr. (DOI Solicitor) note.

Solicitor's opinion (Spradley 1983) stating that the commercial fishing regulations of 1983 (36 C.F.R. § 2.3 (d) (4)) do not apply to Glacier Bay. Language in the preamble to the regulations states that commercial fishing in NPS units is prohibited *"unless authorized by Federal statutory law or regulation."* Because whale regulations in effect at that time (36 C.F.R. § 7.23 (f)) indicate that NPS sanctions commercial fishing (by restricting the catch of 5 species deemed to be whale prey), Spradley concluded that this preamble language exempts Glacier Bay from the prohibition. Note: The Federal Register (FR 48 30256) of June 30, 1983 states that *"all commercial fishing is prohibited unless authorized by Federal statutory law or regulation,"* but 36 CFR 2.3 (d)(4) revised as of July 1, 1983 omits the *"or regulation"* clause.

1983. Senate rejects bill to change Glacier Bay National Park status to preserve.

S. 49 sponsored by Alaska delegation: A bill to change Glacier Bay and other old-line National Park additions (12 million acres total) to preserve status rejected by Senate because of national conservation groups' opposition (Catton 1995).

1984. Southeast king and Tanner crab fisheries placed under limited entry.

(20 AAC 05.330)

1984, 20 July. Glacier Bay General Management Plan approved by NPS Director Russel E. Dickinson.

Categorically allows traditional commercial fisheries to continue (USNPS 1984). Specifically the GMP states *"The Alaska Department of Fish and Game will continue to regulate commercial fishing in Glacier Bay National Park and Preserve, which is consistent with ANILCA and state Law. Traditional commercial fishing practices will continue to be allowed throughout most park and preserve waters. However, no new (nontraditional) fishery will be allowed by the National Park Service. Halibut and salmon fishing and crabbing will not be prohibited by the Park*

Service. Commercial fishing will be prohibited in wilderness waters in accordance with ANILCA and the Wilderness Act."

1985, 10 May. Whale protection regulations, prohibition of trawling in Glacier Bay and exemption of commercial fishing vessels from vessel entry requirements. Commercial fishing vessels engaged in commercial fishing within the Park are exempt from obtaining a vessel permit provided use levels remain at or below 1976 use-levels (45 FR 30294 and 36 CFR § 13.65 (3) (iii) (A); USNPS 1985). Commercial fishing harvest restricted for two additional whale prey species; herring and pollack plus two specific genera (*Pandalus* and *Pandalopsis*) of shrimp. The 1983 regulations restricted commercial fishing for capeline, euphausids, sandlance, and shrimp (36 CFR § 13.65 (b)(5-6)). Additionally, trawling within Glacier Bay is prohibited. These regulations implicitly acknowledge that commercial fishing was occurring in the Park.

1985. Pacific Salmon Commission mandates all-gear chinook salmon quota for Southeast Alaska.

Chinook salmon harvest quotas were set for Southeast Alaska (5 AAC 33.365 (b) (8)) because habitat loss throughout the Pacific Northwest dramatically impacted these stocks.

1985. Pacific Salmon Treaty.

Established an international management organization tasked with rebuilding salmon stocks, limiting harvest where appropriate, and defining equitable allocations between the U.S. and Canada. This latter task has been extremely controversial and renegotiation of treaty components is a recurring process.

1986. Glacier Bay achieves status as International Biosphere Reserve.

Glacier Bay National Park and Preserve designated, with Admiralty Island, an International Biosphere Reserve as part of UNESCO's International Man and the Biosphere program, thus becoming part of a world-wide network of representative and protected research ecosystems (Catton 1995).

1986. NPS, under Supt. Tollefson, proposes changes in status of wilderness waters and designation of new areas.

NPS began a wilderness review in 1984 to determine qualification of parklands as wilderness. Conflicts between wilderness and commercial fishing interests resulted in a decision to reconsider the designation of 53,270 acres of existing wilderness. The proposed alternative recommended designation of new wilderness waters for part of Muir Inlet and Wachusett Inlet while deleting wilderness status for the Beardslee Islands, Adams Inlet entrance, Rendu Inlet, part of Hugh Miller Inlet and part of Dundas Bay (USNPS 1988). However, this alternative was never adopted and was modified by NPS during Jensen's Superintendency. Under Jensen, NPS proposed minor modifications to wilderness and closure of commercial fishing in wilderness waters (Mott 1988).

Feb. 1986. National Rifle Association v. Potter decision has direct relevance to Glacier Bay commercial fishing issue. Landmark suit brought by NRA against Acting Assistant

Secretary of the Interior for Fish and Wildlife in Parks. NRA case argued that NPS could permit trapping in parks when not in derogation of park values while NPS argued trapping may not be permitted unless specifically authorized by law. Feb. 1986 decision by U.S. District Court for the District of Columbia decided in favor of NPS position based on 1916 Organic Act and 1978 Redwoods Act. Commercial fishing, similar to trapping and hunting, requires specific authority in law to be allowed in National Parks. No specific authorization exists for Glacier Bay except in the Preserve (Buono 1993).

1988. NPS Science Symposium Publication "Commercial Fishing Patterns in Glacier Bay National Park."

The purpose of the Taylor and Perry (1988) report was to provide a *"comprehensive overview of commercial fishing within Park marine waters."* The report also contains a number of recommendations, including: 1) improving exchange of fisheries information between NPS and ADFG; 2) preparation of a report of commercial fishing activities at least every three years; 3) working with ADFG to establish Glacier Bay as a separate statistical reporting unit for all species taken; 4) phasing out of commercial fishing within wilderness waters; 5) prevent establishment of new commercial fisheries in park waters. The report (p. 37) also states that *"For the present, however, the Park Service has no inclination to establish a general prohibition of or phasing out of commercial fishing in Glacier Bay."*

1988. Pacific Salmon Commission and Alaska Board of Fisheries mandate a July 1 opening date for the general troll season. (5 AAC 33.365 (b) 16 (B)). However, experimental troll and hatchery access troll fisheries have occurred during June.

1988. Final Environmental Impact Statement for the Wilderness Recommendation in Glacier Bay.

ANILCA required the Secretary of the Interior to evaluate the suitability or nonsuitability of all nondesignated wilderness areas in NP units in Alaska for preservation as wilderness and to make recommendations to Congress. The environmental impacts of the proposed wilderness recommendation and four alternatives are examined in this report (USNPS 1988). This document also provides reference that indicates commercial fishing in park waters outside of designated wilderness would continue.

1989, April. State Board of Fisheries Actions Affecting Glacier Bay.

At its Spring meeting the Board of Fisheries made the determination that the residents of Hoonah have a customary and traditional use of fish in an area that includes Glacier Bay National Park (USNPS 1989). In a related action, the Board also authorized a personal use fishery in the bay and elsewhere in Southeastern Alaska, including residents of Gustavus, Elfin Cove and Pelican.

1989, 22 May. Letter from Superintendent Marvin Jensen to ADFG Commissioner Don Collinsworth.

The Jensen (1989) letter states that subsistence use is not allowed in Glacier Bay National Park and requests that ADFG issue no further permits for subsistence use in the Park. Asks that copy of letter be given to anyone inquiring about subsistence use in the park.

1989, 30 May. Letter from Acting Regional Director Dick Stenmark to Commissioner Collinsworth.

NPS again formally requests that ADFG cease issuing subsistence permits for activities within Glacier Bay (Stenmark 1989). Letter warns that citations may be issued to state permit holders who conduct illegal activities within Park boundaries. State is also asked to delay issuing personal use fishing permits within the Park for one year.

1989, 16 June. Letter from ADFG Commissioner Collinsworth to Dick Stenmark.

The Collinsworth (1989) letter states that ADFG will issue subsistence permits to Hoonah residents upon

request, as the department does not have the discretion to not issue the permits. ADFG does agree to include a statement to the subsistence permit holder that NPS may issue citations to persons found fishing with subsistence permits in the park. The letter also states that ADFG has decided to issue personal use fishing permits to qualifying residents.

1989, July. Report 101-85 Department of the Interior and Related Agencies Appropriations Bill, 1990.

The U.S. House of Representatives Committee on Appropriations directed the NPS to *"begin a dialog with the State and the local Native people to resolve this [subsistence fishing activity within Glacier Bay] issue (Alaska Senate 1989)."* Committee also directed NPS to examine possible solutions, including legislative solutions and to submit a report outlining its recommendations to the Committees on Appropriations no later than May 1, 1990. The NPS was discouraged from engaging in a policy of prohibiting subsistence activities unless it was shown that such activities would clearly have a substantial adverse impact on the fish and wildlife resources in the park.

1989, 14 Aug. Ruth Ann Storey (DOI Solicitor) memorandum.

The latest US DOI legal opinion (Storey 1989) on commercial fishing in NPS files. Briefly outlines the department's legal position on 6 key issues. Asserts that 1) the Park has title to all submerged lands, 2) that United States v. California does not apply to Glacier Bay, 3) that wilderness waters are closed to commercial fishing, 4) that the 1983 regulations closed commercial fishing in non-wilderness waters, 5) that subsistence cannot be allowed in the Park and 6) that personal use fishing is allowed in the Park.

1990, 5-9 March. Public meetings sponsored by Citizens' Advisory Commission on Federal Areas and NPS.

Public meetings held in Juneau, Hoonah, Pelican, Gustavus and Yakutat to discuss the issues of commercial and subsistence fishing within Glacier Bay National Park and Preserve (Catton 1995).

1990, March. House Joint Resolution No. 92 on continued subsistence and commercial fishing in GLBA.

HJR 92 requested that the NPS terminate its proceedings to close Glacier Bay NP to subsistence and commercial fishing; that NPS regulations be amended to expressly provide for

subsistence fishing in the Park in accordance with ANILCA; and that commercial fishing be allowed in the nonwilderness areas of the park under state law (Alaska House of Representatives 1990).

1990, 21 Aug. Alaska Wildlife Alliance (AWA) files civil action against NPS management of Glacier Bay.

The AWA and American Wildlands filed a civil action against the NPS (AWA 1990) charging that the NPS was: 1) in violation of the National Environmental Policy Act for failing to prepare a supplemental environmental assessment (EA) on vessel management, 2) required to prepare a study plan to assess effects of vessel traffic on humpback whales, 3) ordered to stop reallocation of vessel entry permits until the supplemental EA could be completed, 4) ordered to reduce vessel entry limitations to the 1982 level until the EA could be completed, 5) in violation of the Marine Mammal Protection Act, the Concessions Policy Act and ANILCA for allowing illegal commercial and subsistence fishing to occur, and 6) ordered to immediately stop illegal commercial fishing in the Park. Holland American Line-Westours, Inc. and Allied Fishermen of Southeast Alaska intervened in the suit to protect their interests.

1990, Dec. - 1991, May. Glacier Bay Citizens Caucus.

Participants and observers from adjacent communities, various interest groups and state and federal organizations, through a series of meetings (in Hoonah on 19 and 20 January 1991, and in Juneau on 26 and 27 Feb.) and working groups, discussed their level of agreement on the management of marine waters in Glacier Bay National Park and Preserve. The Caucus eventually compromised on a draft summary proposal (SEACC 1991) which outlined three main elements for their position: 1) the Outer Coast (excluding Lituya Bay) and Icy Strait (excluding Dundas Bay) would be open to existing types and levels of commercial fishing forever, 2) commercial fishing would be prohibited in wilderness waters with boundary changes for existing areas and redesignation for Dundas, Muir Inlet, the Beardslees and Rendu Inlet; some wilderness waters would be motorless, and 3) areas other than those permanently open to fishing or wilderness would be studied, with citizen group input on study design. The Native Traditional and Customary Use and Sovereignty Committee supported traditional and customary use of Park resources by Tlingit people.

1991. A license moratorium is established for the Southeast Alaska Dungeness crab fishery.

The CFEC determined increased growth in the Dungeness crab fishery and prohibited licensing of additional participants (20 AAC 05.330).

1991, 2 Aug. S. 1624. A Bill to amend ANILCA to improve management of Glacier Bay National Park.

This bill, introduced by Senator Murkowski (Murkowski 1991) and referred to the Committee on Energy and Natural Resources, would have amended ANILCA to: 1) permit subsistence use of GLBA in accordance with Title VIII, 2) allow fisheries occurring before 1989 to continue, and 3) permit up to two cruise ships (vessels greater than 100 gross tons) a day in the Bay between the dates of June 1 and August 31. The bill also contained a provision for study to evaluate effects of vessel increases on whales for a period of six years following enactment of the Act and a disclaimer that the Act would have no effect on State or Federal jurisdiction over submerged lands or waters.

1991, 5 Aug. Proposed rule published in Federal Register to phase-out commercial fishing in the Park.

The proposed amendment was to allow commercial fishing to occur in the Park until December 31, 1997. Continuation of commercial fishing beyond this date would require a finding that uses are compatible with protection of Park values and purposes. This would require promulgation of new regulations. The proposed regulations clarify that commercial fishing in designated wilderness areas is illegal and that subsistence fishing within the Park is not permitted. (FR 37262; USNPS 1991b)

1991, 25 Sept. H.R. 3418. A Bill to regulate fishing and maritime activities in certain waters of Alaska.

This bill, introduced by Representative Don Young (Young 1991) and referred to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries, was drafted to amend state jurisdiction over commercial fishing in Section 306 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1856 (a) 2), permit subsistence fishing in Glacier Bay, and to permit two cruise ships daily entry into the Bay between June 1 and August 31 of each year. The Bill also directed the Secretary of Interior to conduct a study of the effect of vessels on whales with results to be reported six years after the enactment of this Act. Language in this Bill explicitly states that it does not affect jurisdiction of the State of Alaska over submerged lands.

1992, 4 Aug. Proposed amendment to S. 1624.

This memorandum was submitted to the Committee on Energy and Natural Resources by Senator Murkowski (Murkowski 1992). It amended S. 1624 regarding permitted types of subsistence activities to include fishing and gathering and provided a prohibition on building structures associated with these activities within Park boundaries. The Bill also provided clarification that commercial fishing would occur only in non-wilderness areas within the Park using commercial fisheries means and methods employed between 1980 and 1991. Fisheries allowed to continue include seining in Excursion Inlet, trolling, longlining and the use of pots and ring nets. The Bill also provided for a multi-agency research and monitoring program to: evaluate the health of fishery resources, determine the effect of commercial fishing and determine appropriate harvest levels and methods in GLBA over a period of seven years. Fishing effort within the Bay proper for each species would not have been allowed to exceed the average annual effort for each species during 1980-1991.

1992, 23 Dec. Allied Fishermen of Southeast Alaska (AFSA) file civil action as intervenor in AWA vs. NPS.

AFSA asserts that commercial fishing in Glacier Bay National Park is not illegal (Allied Fishermen of Southeast Alaska 1993). This argument is based on ANILCA, the question of state vs. federal jurisdiction of marine waters, and the NPS's lack of biological evidence for negative impacts of commercial fishing on Park resources.

1993, 27 Jan. H.R. 704. A Bill to regulate fishing in certain waters of Alaska.

This Bill, introduced by Representative Don Young (Young 1993) and referred to the Committees on Natural Resources and Merchant Marine and Fisheries, was similar to H.R.

3418 and allows for subsistence fishing and gathering within Glacier Bay. The Bill would also seek to allow commercial fishing at levels of effort for each species similar to the annual average during the period 1981-1991 but only in non-wilderness waters. It further directs the Secretary of the Interior in consultation with the State to study the effect of commercial fishing in the Park over a three year period following enactment of the Act. Only types of fishing gear used in the fisheries since 1981 could be used in the continuing fishery. Language in this Bill again explicitly states that it does not affect jurisdiction of the State of Alaska over submerged lands.

1993, 12 Mar. S. 291. A Bill to amend ANILCA to improve management of Glacier Bay National Park.

This bill which is the amended version of S. 1624 was a second attempt by Senator Murkowski to amend ANILCA to allow subsistence use, and commercial fishing in Glacier Bay (Murkowski 1993).

1993, 8 Sept. Letter to Sec. Babbitt from Southeast Alaska Working Group (SEWG) outlining consensus position. Outlines a consensus position on commercial fishing developed over the preceding three years through a series of public workshops and discussions with a wide range of interest groups (Kelley *et al.* 1993). The letter was signed by representatives of: Allied Fishermen of Southeast Alaska, SEACC, Sealaska Corp. and ADFG. General and specific consensus points were outlined. Specific consensus points were provided on commercial and subsistence fishing, subsistence and wilderness waters. These consensus points were similar to provisions outlined in S. 291 except that studies were proposed for ten years and the working group took issue with wilderness uses and boundaries as defined in ANILCA and the Wilderness Act.

1994. Alaska Board of Fisheries places 45,000 fish harvest ceiling on winter chinook salmon troll fishery.

In addition, the Board of Fisheries closes the winter troll fishery in the area north of Cape Spencer. These actions were codified in 5 AAC 33.365 (b) 16 (A) and 5 AAC 33.311 (d), respectively.

1994. Judge Holland decision in Alaska Wildlife Alliance v. Jensen.

The issue of whether commercial fishing is prohibited by statute (*i.e.*, Organic Act) was briefed and argued to the district court. Judge Holland (1994) ruled that there "*is no statutory ban on commercial fishing in Glacier Bay provided, however, that commercial fishing is prohibited in that portion . . . designated as wilderness.*" Plaintiffs dismissed the remaining counts of the complaint and filed a notice of appeal to the Ninth Circuit Court. Issue on appeal is whether statutory prohibition on commercial fishing exists for Glacier Bay. Allied Fishermen of Southeast Alaska has filed a cross appeal to argue against the wilderness prohibition.

1994. Glacier Bay designated as part of International World Heritage Site.

With support from the International Union for the Conservation of Nature, GBNPP designated as part of the Yukon-Saint Elias World Heritage Site in response to U.S. and Canadian conservation/ preservation-group concerns over Windy Craggy mine proposals in British Columbia that would jeopardize the Asek-Tatshenshini drainage in both countries (Catton

1995). Combining Wrangell-Saint Elias and GBNPP in the U.S., and Kluane NP (Y.T.) and the Alsek-Tatshenshini Provincial Park (B.C.), the Yukon-Saint Elias World Heritage Site is one of the largest protected landscapes in the world.

1995. The North Pacific Fishery Management Council implements Individual Fishing Quotas (IFQs) for halibut and sablefish fisheries. In response to demands for change in the open access fisheries from fishermen, processors, marketers and managers the NPFMC established IFQs. Final rule was published in the Federal Register as law in November 1993 (50 CFR 676). The IFQ program was implemented in 1995.

1995. Memorandum of Understanding established between Hoonah Indian Association (HIA) and the NPS.

The purpose of this agreement (HIA and NPS 1995) is to recognize the government to government relationship and identify areas of mutual concern and support, establish a framework for cooperative relationships and promote communication between the HIA and NPS.

1995, 14 Dec. Southeast Alaska Dungeness crab fishery goes to limited entry.

The Commercial Fishing Entry Commission determined that the Dungeness crab fishery should go to limited entry and this was codified in 20 AAC 05.310 (e). A tiered system will be used to award points in determining eligibility of applicants for permits based on participation in the fishery between 1988 and 1992. The proposed application period is 3-16 September with the CFEC expecting to begin implementation in some form during the 1997 season.

1995-96. NPS and ADFG dialogue with commercial fishery stakeholders.

In September of 1995, park staff met with the ADFG Deputy Commissioner and state commercial fisheries managers to review the history of state, federal and congressional delegation interactions regarding commercial fishing and to explore options for resolution. Both the NPS and state agreed that a stable, long-term resolution required the involvement of key stakeholders representing the commercial fishing industry, local Tlingit people, and conservation groups. Subsequently, NPS and ADFG sponsored meetings with commercial fishers, local Tlingits, environmental groups and other interested parties on December 5, 6, 1995; March 13, 14 and May 2, 3, 1996, in an attempt to come to some resolution on the commercial fishing issue in Glacier Bay. The process was halted because of concerns related to the Federal Advisory Commission Act (FACA).

1996, May. NPS publishes final rule concerning vessel management in Glacier Bay.

These regulations, implemented 1 June, closed wilderness waters to motorized vessels from 1 May through 15 September. The vessel closure included the Beardslee Islands where the majority of Dungeness crab fishing in inside park waters occurs. However, NPS agreed not to implement closure of the Beardslee Islands to commercial Dungeness crab fishing vessels for the 1996 summer season.

1997, 6 March. Ninth Circuit Court of Appeals decision on the Alaska Wildlife Alliance v. Jenson appeal and Allied Fishermen cross appeal. Circuit Court judges Wright, Schroeder and Kleinfeld (1997) upheld the Holland decision. ANILCA and the Wilderness Act prohibit commercial fishing in Park wilderness areas. No statutory prohibition on commercial fishing

exists for Glacier Bay outside of wilderness. The NPS has discretionary authority to allow or prohibit commercial fishing outside of wilderness.

1997, 16 April. Proposed rule published in Federal Register outlines a proposal for resolution of the commercial fishing issue and invites and encourages public discussion. The proposed rule outlines the events leading to the rulemaking, describes the proposed action on commercial fishing and briefly describes alternatives under consideration pending an Environmental Assessment. Alternatives range in scope from immediate closure of all commercial fisheries in Park waters to continued fishing in all Park waters except wilderness. The proposed rule would prohibit commercial fishing activities in Glacier Bay proper. However, a 15 year exemption would offer a phase out approach for halibut, salmon, Dungeness and Tanner crab fishermen able to demonstrate a historical reliance based on qualifying criteria. With the exception of a Dungeness crab research project in the Beardslee Islands, commercial fishing would not be allowed during the visitor-use season (May 1-Sept. 30). Commercial fishing would be prohibited in Wilderness with the exception of a 5-7 year Dungeness research study. The proposed rule would authorize continued commercial fishing by established fisheries and gear types in waters outside Glacier Bay proper with re-examination after 15 years. All commercial fishing activities would be governed by a fishery management plan developed cooperatively by the NPS and state. (FR 18547; USNPS 1997)

1997. NPS initiates NEPA compliance process to analyze effects of alternatives designed to resolve the Glacier Bay commercial fishing issue. An Environmental Analysis is currently being prepared by park staff with input from other sources to determine whether an Environmental Impact Statement is required and to assist NPS planning and decision-making.

1997, 24 July. S. 1064. A Bill to amend ANILCA to more effectively manage visitor service and fishing activity in Glacier Bay National Park, and for other purposes. This bill, introduced by Senator Murkowski (Murkowski 1997) and referred to the committee on Energy and Natural Resources, proposes legislation concerning: infrastructure improvement, small passenger vessel (tourboats) entry permits, a survey of Park users and fishing in Glacier Bay National Park. Section 6 of the proposed bill would amend Section 1314 of ANILCA to allow commercial and subsistence fishing in Park waters, designate Glacier Bay as a Marine Fisheries Reserve, allow continued fishing in the Beardslee Islands Wilderness based on specific historic participation criteria and establish a five-person science advisory council to oversee scientific issues and provide input to fishery managers.

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Contact: glba_webmaster@nps.gov

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[Federal Register: July 29, 1999 (Volume 64, Number 145)]
 [Notices]
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 From the Federal Register Online via GPO Access [wais.access.gpo.gov]
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DEPARTMENT OF THE INTERIOR

National Park Service

Glacier Bay National Park, Alaska; Dungeness Crab Commercial
 Fishery Interim Compensation Program for Processors

AGENCY: National Park Service, Interior.

ACTION: Glacier Bay National Park application procedures for the
 Dungeness crab commercial fishery interim compensation program for
 processors.

SUMMARY: Section 123(c) of the Omnibus Consolidated and Emergency
 Supplemental Appropriations Act for FY 1999 ('`the Act''), as amended
 by Section 501 of the 1999 Emergency Supplemental Appropriations Act,
 Pub. L. 106-31 (05/21/99), authorizes compensation for fish
 processors,
 fishing vessel crew members, communities, and others negatively
 affected by congressionally-directed restrictions on commercial
 fishing
 in the marine waters of Glacier Bay National Park. The National Park
 Service (NPS) and the State of Alaska recently announced a framework
 for completing the compensation program within the next 2 years. The
 closure of designated wilderness areas to commercial fishing
 (implemented by NPS on June 15, 1999) and the pending closure of
 Glacier Bay proper to commercial fishing for Dungeness crab (September
 30, 1999) will adversely affect some Dungeness crab fishermen and
 processors this year, before the compensation program can be
 completed.
 NPS is currently compensating qualifying Dungeness crab commercial
 fishermen under a specific compensation program authorized by Section
 (b) of the Act (See 64 FR 32888 [June 18, 1999.]) To address 1999

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economic impacts to Dungeness crab processors, NPS, with concurrence of the State of Alaska, intends to provide interim compensation to those processors who meet qualifying criteria similar to those described for commercial fishermen under Section (b) of the Act. An interim compensation payment will be made to Dungeness crab processors who have purchased Dungeness crab harvested from either the Beardslee Island or Dundas Bay wilderness areas in the park for at least six years during the period 1987-1998. This interim payment is intended to mitigate 1999 income losses for qualifying Dungeness crab processors until the compensation program under Section (c) of the Act--and appropriate eligibility criteria, priorities and levels of compensation for

[[Page 41135]]

processors--can be developed and implemented. This Federal Register notice serves to provide application instructions for licensed Dungeness crab buyer/processors who believe they qualify for interim compensation. Applications must be provided to the Superintendent, Glacier Bay National Park and Preserve, on or before October 1, 1999.

DATES: Applications for the Dungeness crab commercial fishery processor interim compensation program will be accepted on or before October 1, 1999.

ADDRESSES: Applications for the Dungeness crab commercial fishery processor interim compensation program should be submitted to the Superintendent, Glacier Bay National Park and Preserve, P.O. Box 140, Gustavus, Alaska 99826. A delivery address is located at 1 Park Road, in Gustavus.

FOR FURTHER INFORMATION CONTACT: For information regarding the Dungeness crab commercial fishery compensation program, please contact Tomie Lee, Glacier Bay National Park and Preserve, P. O. Box 140, Gustavus, Alaska 99826. Phone: (907) 697-2230.

SUPPLEMENTARY INFORMATION: The Act, as amended, requires Dungeness crab fishermen to provide certain information sufficient to determine their eligibility for compensation. NPS will require similar corroborating documentation from Dungeness crab buyers/processors making application to NPS for 1999 interim compensation as described in this notice. Dungeness crab processors must provide the following information to the Superintendent: (1) Full name, mailing address, and a contact phone number. (2) A sworn and notarized personal affidavit from the owner of the processing business attesting to the applicant's history of buying Dungeness crab harvested from either the Beardslee Island or Dundas Bay wilderness areas of the park as a licensed buyer/processor for at

least

6 of 12 years during the period of 1987 through 1998. (3) A copy of the business's current State of Alaska license for buying/processing Dungeness crab. (4) Any available corroborating information--including documentation of Dungeness crab landed/purchased from the Alaska Department of Fish and Game shellfish statistical units that include wilderness areas in the Beardslee Islands or Dundas Bay and/or sworn and notarized affidavits of witnesses--that can assist in a determination of eligibility for compensation. The Superintendent, with the concurrence of the State of Alaska, will make a written determination on eligibility for compensation based on the documentation provided by the applicant. The Superintendent, with the concurrence of the State of Alaska, will also make a written determination on the amount of 1999 interim compensation to be paid to an eligible applicant. NPS intends to complete payment of interim compensation to processors meeting the above eligibility criteria by December 1, 1999. Receipt of compensation for 1999 losses will not prejudice any opportunity the applicant may have to seek any additional compensation that may be provided for in the Act, as amended.

If an application for compensation is denied, the Superintendent will provide the applicant the reasons for the denial in writing. Denial of interim compensation as a Dungeness crab processor will not affect consideration for future compensation for processors under the Act, as amended.

Dated: July 20, 1999.

Paul R. Anderson,
Acting Regional Director, Alaska.
[FR Doc. **99-19450 Filed** 7-28-99; 8:45 am]
BILLING CODE 4310-70-P

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Last update: August 28, 2006



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105th Congress

Report

HOUSE OF REPRESENTATIVES

2d Session

105-825

MAKING OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL
APPROPRIATIONS

FOR FISCAL YEAR 1999

CONFERENCE REPORT

to accompany

H.R. 4328

<GRAPHIC(S) NOT AVAILABLE IN TIFF FORMAT>

October 19, 1998.--Ordered to be printed

MAKING OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL
APPROPRIATIONS FOR FISCAL YEAR 1999

*****IMPORTANT NOTE: THIS IS AN EXCERPT FROM THE ABOVE DOCUMENT.

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commercial fishing in glacier bay national park
Sec. 123. (a) General.--

(1) The Secretary of the Interior and the State of Alaska shall cooperate in the development of a management plan for the regulation of commercial fisheries in Glacier Bay National Park pursuant to existing State and Federal statutes and any applicable international conservation and management treaties. Such management plan shall provide for commercial fishing in the marine waters within Glacier Bay National Park outside of Glacier Bay Proper, and in the marine waters within Glacier Bay Proper as specified in paragraphs (a)(2) through (a)(5), and shall provide for the protection of park values and purposes, for the prohibition of any new or expanded fisheries, and for the opportunity for the study of marine resources.

(2) In the nonwilderness waters within Glacier Bay Proper, commercial fishing shall be limited, by means of non-transferable lifetime access permits, solely to individuals who--

(A) hold a valid commercial fishing permit for a fishery in a geographic area that includes the nonwilderness waters within Glacier Bay Proper;

(B) provide a sworn and notarized affidavit and other available corroborating documentation to the Secretary of the Interior sufficient to establish that such individual engaged in commercial fishing for halibut, tanner crab, or salmon in Glacier Bay Proper during qualifying years which shall be established by the Secretary of the Interior within one year of the date of the enactment of this Act; and

(C) fish only with--

(i) longline gear for halibut;

(ii) pots or ring nets for tanner crab; or

(iii) trolling gear for salmon.

(3) With respect to the individuals engaging in commercial fishing in Glacier Bay Proper pursuant to paragraph (2), no fishing shall be allowed in the West Arm of Glacier Bay Proper (West Arm) north of 58 degrees, 50 minutes north latitude except for trolling for king salmon during the period from October 1 through April 30. The waters of Johns Hopkins Inlet, Tarr Inlet and Reid Inlet shall remain closed to all commercial fishing.

(4) With respect to the individuals engaging in commercial fishing in Glacier Bay Proper pursuant to paragraph (2), no fishing shall be allowed in the East Arm of Glacier Bay Proper (East Arm) north of a line drawn from Point Caroline, through the southern end of Garforth Island to the east side of Muir Inlet, except that trolling for king salmon during the period from October 1 through April 30 shall be allowed south of a line drawn across Muir Inlet at the southernmost point of Adams Inlet.

(5) With respect to the individuals engaging in commercial fishing in Glacier Bay Proper pursuant to

paragraph (2), no fishing shall be allowed in Geikie Inlet.

(b) The Beardslee Islands and Upper Dundas Bay.--Commercial fishing is prohibited in the designated wilderness waters within Glacier Bay National Park and Preserve, including the waters of the Beardslee Islands and Upper Dundas Bay. Any individual who--

(1) on or before February 1, 1999, provides a sworn and notarized affidavit and other available corroborating documentation to the Secretary of the Interior sufficient to establish that he or she has engaged in commercial fishing for Dungeness crab in the designated wilderness waters of the Beardslee Islands or Dundas Bay within Glacier Bay National Park pursuant to a valid commercial fishing permit in at least six of the years during the period 1987 through 1996;

(2) at the time of receiving compensation based on the Secretary of the Interior's determination as described below--

(A) agrees in writing not to engage in commercial fishing for Dungeness crab within Glacier Bay Proper;

(B) relinquishes to the State of Alaska for the purposes of its retirement any commercial fishing permit for Dungeness crab for areas within Glacier Bay Proper;

(C) at the individual's option, relinquishes to the United States the Dungeness crab pots covered by the commercial fishing permit; and (D) at the individual's option, relinquishes to the United States the fishing vessel used for Dungeness crab fishing in Glacier Bay Proper; and

(3) holds a current valid commercial fishing permit that allows such individual to engage in commercial fishing for Dungeness crab in Glacier Bay National Park, shall be eligible to receive from the United States compensation that is the greater of (i) \$400,000, or (ii) an amount equal to the fair market value (as of the date of relinquishment) of the commercial fishing permit for Dungeness crab, of any Dungeness crab pots or other Dungeness crab gear, and of not more than one Dungeness crab fishing vessel, together with an amount equal to the present value of the foregone net income from commercial fishing for Dungeness crab for the period January 1, 1999, through December 31, 2004, based on the individual's net earnings from the

Dungeness crab fishery during the period January 1, 1991, through December 31, 1996. Any individual seeking such compensation shall provide the consent necessary for the Secretary of the Interior to verify such net earnings in the fishery. The Secretary of the Interior's determination of the amount to be paid shall be completed and payment shall be made within six months from the date of application by the individuals described in this subsection and shall constitute final agency action subject to review pursuant to the Administrative Procedures Act in the United States District Court for the District of Alaska. (c) Definition and Savings Clause.--

(1) As used in this section, the term "Glacier Bay Proper" shall mean the marine waters within Glacier Bay, including coves and inlets, north of a line drawn from Point Gustavus to Point Carolus.

(2) Nothing in this section is intended to enlarge or diminish Federal or State title, jurisdiction, or authority with respect to the waters of the State of Alaska, the waters within the boundaries of Glacier Bay National Park, or the tidal or submerged lands under any provision of State or Federal law.

Sec. 124. Notwithstanding any other provision of law, grazing permits which expire during fiscal year 1999 shall be renewed for the balance of fiscal year 1999 on the same terms and conditions as contained in the expiring permits, or until the Bureau of Land Management completes processing these permits in compliance with all applicable laws, whichever comes first. Upon completion of processing by the Bureau, the terms and conditions of existing grazing permits may be modified, if necessary, and reissued for a term not to exceed ten years. Nothing in this language shall be deemed to affect the Bureau's authority to otherwise modify or terminate grazing permits.

*****INTERVENING TEXT OMITTED*****

FOLLOWING IS AND EXCERPT FROM THE CONFERENCE COMMITTEE REPORT

Section 123 modifies Senate provision imposing a moratorium on new regulations affecting commercial and subsistence fishing in Glacier Bay National Park, AK.

The Committees have agreed to modify language proposed by the Senate regarding commercial and subsistence fishing in Glacier Bay National Park. The Service is directed to extend the comment period on the pending regulations (62 Fed. Reg. 18,547) (April 16, 1997) until January 15, 1999, modify the draft regulations to conform to the fiscal year 1999 Interior Appropriations Bill language and publish the changes in the final regulations. Regulations may be required to implement the compensation plan under subsection (b) of this provision. Finally, it is expected that local residents in close proximity to the park (e.g. Hoonah) will continue to be allowed to fish for personal use (not barter or sale).



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CONTACT****1999 Emergency Supplemental Appropriations Act****Public Law: 106-31 (05/21/99) (H.R. 1141)**

SEC. 501. GLACIER BAY. (a) DUNGENESS CRAB FISHERMEN- Section 123(b) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105-277) is amended--

(1) in paragraph (1)--

(A) by striking 'February 1, 1999' and inserting 'August 1, 1999'; and

(B) by striking '1996' and inserting '1998'; and

(2)(A) by striking 'of any Dungeness crab pots or other Dungeness crab gear, and of not more than one Dungeness crab fishing vessel,'; and

(B) by striking 'the period January 1, 1999, through December 31, 2004, based on the individual's net earnings from the Dungeness crab fishery during the period January 1, 1991, through December 31, 1996.' and inserting 'for the period beginning January 1, 1999 that is equivalent in length to the period established by such individual under paragraph (1), based on the individual's net earnings from the Dungeness crab fishery during such established period. In addition, such individual shall be eligible to receive from the United States fair market value for any Dungeness crab pots, related gear, and not more than one Dungeness crab fishing vessel if such individual chooses to relinquish to the United States such pots, related gear, or vessel.'

(b) OTHERS AFFECTED BY FISHERY CLOSURES AND RESTRICTIONS- Section 123 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105-277), as amended, is amended further by redesignating subsection (c) as subsection (d) and inserting immediately after subsection (b) the following new subsection:

'(c) OTHERS AFFECTED BY FISHERY CLOSURES AND RESTRICTIONS- The Secretary of the Interior is authorized to provide \$23,000,000 for a program developed with the concurrence of the State of Alaska to fairly compensate United States fish processors, fishing vessel crew members, communities, and others negatively affected by restrictions on fishing in Glacier Bay National Park. For the purpose of receiving compensation under the program required by this subsection, a potential recipient shall provide a sworn and notarized affidavit to establish the extent of such negative effect.'

(c) IMPLEMENTATION- Section 123 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105-277), as amended, is amended further by inserting at the end the following new subsection:

'(e) IMPLEMENTATION AND EFFECTIVE DATE- The Secretary of the Interior shall publish an interim final rule for the Federal implementation of paragraphs (2) through (5) of subsection (a) and shall provide an opportunity for public comment of no less than 45 days on such interim final rule. The final rule for the Federal implementation of paragraphs (2) through (5) of subsection (a) shall be published in the Federal Register no later than September 30, 1999 and

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shall take effect on September 30, 1999, except that the limitations in paragraphs (3) through (5) of such subsection shall not apply with respect to halibut fishing until November 15, 1999 or salmon troll fishing until December 31, 1999. In the event that any individual eligible for compensation under subsection (b) has not received full compensation by June 15, 1999, the Secretary shall provide partial compensation on such date to such individual and shall expeditiously provide full compensation thereafter.'

(d) For the purposes of making the payments authorized in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 1999, as amended by this section, an additional \$26,000,000 is hereby appropriated to 'Departmental Management, Department of the Interior', to remain available until expended, of which \$3,000,000 shall be an additional amount for compensation authorized by section 123(b) of such Act, as amended, and of which \$23,000,000 shall be for compensation authorized by section 123(c) of such Act, as amended. The entire amount made available in this subsection is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended (2 U.S.C. 901(b)(2)(A)), and shall be available only if the President transmits to the Congress an official budget request that includes designation of the entire amount as an emergency requirement as defined in such Act.

Contact: glba_webmaster@nps.gov

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[Federal Register: April 16, 1997 (Volume 62, Number 73)]
 [Proposed Rules]
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DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 13

RIN 1024-AB99

Glacier Bay National Park, Alaska; Commercial Fishing Regulations

AGENCY: National Park Service, Interior.

ACTION: Proposed rule; withdrawal of earlier proposed rule.

SUMMARY: The National Park Service (NPS) proposes this rule to provide the legal basis for reinitiating public discussion in order to arrive at a prompt final resolution of the longstanding controversy concerning

commercial fishing activities in Glacier Bay National Park (NP) by the end of 1997. In addition to seeking comments, NPS expects during the comment period to continue discussions on the record with interested parties including the State of Alaska.

The proposed rule, intended to provide a framework for enhanced review and comment by all interested parties, would implement fair measures to ensure protection of the values and purposes of Glacier Bay

NP, including the preservation, enjoyment, and scientific value of the park's unique marine ecosystem. In general, the proposed rule would prohibit all commercial fishing in Glacier Bay proper but provide certain limited exemptions over a 15 year phase-out period, and authorize established commercial fishing in the park's marine waters outside Glacier Bay proper subject to reexamination at the end of 15

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years.

To authorize the specific commercial fishing activities, the proposed rule would provide specific exemptions for Glacier Bay NP from the nationwide prohibition on such activities in units of the National Park System. For the phase-out in Glacier Bay proper, the proposed rule would exempt qualifying commercial fishermen who can demonstrate a reasonable history of participation in a specific fishery to continue fishing for a limited period of time on a seasonal basis. For the marine waters outside Glacier Bay proper, the proposed rule would generally exempt existing commercial fishing activities under a Federal-State cooperative management program consistent with protection of park resource values.

With respect to designated wilderness waters in Glacier Bay NP, since the Wilderness Act prohibits this kind of commercial enterprise in designated wilderness, commercial fishing activities must cease in these areas. However, certain crab fishermen essential to an existing multi-agency research project in the Beardslee Islands area may be authorized to take crab in the locations specified by the research project for the remaining five to seven years of the project pursuant to a ``research project'' special use permit. NPS has previously determined that this research project is consistent with, and is likely to produce significant benefits for, wilderness resource management.

The proposed rule would not address legislatively authorized commercial fishing and related activities in the Dry Bay area of Glacier Bay National Preserve.

This proposed rule supersedes and withdraws a previously proposed rulemaking on this subject published on August 5, 1991 (56 FR 37262).

DATES: Written comments postmarked on or before October 15, 1997, will be accepted. For information on public meetings and discussion sessions, see Public Participation at the end of

SUPPLEMENTARY INFORMATION:

ADDRESSES: Comments should be directed to James M. Brady, Superintendent, Glacier Bay National Park and Preserve, P.O. Box 140, Gustavus, Alaska 99826.

FOR FURTHER INFORMATION CONTACT: James M. Brady, Superintendent, National Park Service, Glacier Bay National Park and Preserve, P.O. Box 140, Gustavus, Alaska, 99827, telephone: (907) 697-2230.

SUPPLEMENTARY INFORMATION:

Background

Establishment of Glacier Bay National Park and Preserve

Glacier Bay National Monument was established by presidential proclamation dated February 26, 1925. 43 Stat. 1988. The monument was established to protect a number of tidewater and other glaciers, and a variety of post glacial forest and other vegetative covering, and also to provide opportunities for scientific study of glacial activity and post glacial biological succession. The early monument included marine waters within Glacier Bay north of a line running approximately from Geikie Inlet on the west side of the bay to the northern extent of the Beardslee Islands on the east side of the bay. The monument was expanded by a second presidential proclamation on April 18, 1939. 53 Stat. 2534. The expanded monument included additional lands and marine waters consisting of all of Glacier Bay; portions of Cross Sound, North Inian Pass, North Passage, Icy Passage, and Excursion Inlet; and Pacific coastal waters to a distance of three miles seaward between Cape Spencer to the south and Sea Otter Creek, north of Cape Fairweather.

Glacier Bay National Monument was redesignated as Glacier Bay National Park and Preserve and enlarged in 1980 by the Alaska National Interest Lands Conservation Act (ANILCA). 16 U.S.C.

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410hh-1; see Sen. Rep. No. 413, 96th Cong., 1st Sess. 163 (1979). The legislative history of ANILCA indicates that certain NPS units in Alaska, including Glacier Bay National Park, ``* * * are intended to be large sanctuaries where fish and wildlife may roam freely, developing their social structures and evolving over long periods of time as nearly as possible without the changes that extensive human activities would cause.'' Id. at 137; see ____ Cong. Rec. H10532 (1980). Congress described the park as including the marine waters, and depicted the park accordingly on the official maps.

In addition, ANILCA designated several areas containing marine waters within and near Glacier Bay proper as additions to the National Wilderness Preservation System. 16 U.S.C. 1132 note. These areas include upper Dundas Bay, Adams Inlet, the Hugh Miller Inlet complex, and waters in and around the Beardslee Islands.

As a result of the above actions, Glacier Bay National Park contains the largest protected marine ecosystem on the Pacific Coast of North America. It provides valuable opportunities to study and enjoy marine flora and fauna in an unimpaired state, and to educate the public about the biological richness of this marine system and its dynamic interaction with glacial and terrestrial systems.

Management of Glacier Bay National Park and Preserve

In addition to the national monument proclamations and relevant ANILCA provisions, the management of Glacier Bay National Park and Preserve is governed by the NPS Organic Act, 16 U.S.C. Section 1, et seq. The NPS Organic Act authorizes the Secretary of the Interior to manage national parks and monuments to ``conserve the scenery and the

natural and historic objects and the wild life therein and to provide for the enjoyment of same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.'" Id. Section 1. This act further directs that "[t]he authorization of activities shall be construed and the protection, management, and administration of [NPS areas] shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress.'" Id. Section 1a-1.

The NPS Organic Act authorizes the Secretary to implement "rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments and reservations under the jurisdiction of the National Park Service.'" Id. Section 3. The Secretary has additional specific authority to "promulgate and enforce regulations concerning boating and other activities on or relating to waters located within areas of the National Park System, including waters subject to the jurisdiction of the United States * * *.'" Id. Section 1a-2(h).

The designated wilderness areas within Glacier Bay NP, including the marine areas, are additionally governed by the Wilderness Act, id. section Sec. 1131, et seq., which defines wilderness "as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain.'" The Wilderness Act requires that wilderness be "administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness.'" Id. Section 1131 (a). Among other things, the Wilderness Act prohibits "commercial enterprise * * * within any wilderness area * * * except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act * * *'" Id. Section 1133(c).

Commercial Fishing History

The marine waters of Glacier Bay National Park have been fished commercially since prior to the establishment of Glacier Bay National Monument. Commercial fishing continued under federal regulation after the national monument's establishment in 1925 and its subsequent enlargement in 1939. Since 1966, however, regulation and legislation have prohibited commercial fishing in Glacier Bay National Monument and Glacier Bay National Park. Nonetheless, commercial fishing is still occurring in Glacier Bay National Park.

The Act of June 6, 1934, 43 Stat. 464, authorized the Secretary of Commerce to ``set apart and reserve fishing areas in any of the waters of Alaska* * *and within such areas * * * establish closed seasons during which fishing may be limited or prohibited * * * .'' The first Alaska Fishery Regulations of the Bureau of Fisheries, promulgated between 1937 and 1939, addressed fisheries in an area designated as the

Icy Strait district including Glacier Bay National Monument. See 2 FR 305 (February 12, 1937); 4 FR 927 (February 15, 1939). Those regulations, and regulations promulgated by the U.S. Fish and Wildlife Service (FWS) between 1941 and 1959, set allowances for and restrictions on commercial fisheries in areas within the boundaries of Glacier Bay National Monument. See 6 FR 1252 (March 4, 1941), 50 CFR Part 222; 16 FR 2158 (1951), 50 CFR Part 117; 24 FR 2153 (March 19, 1959), 50 CFR Part 115.

Early NPS fishing regulations prohibited any type of fishing ``with nets, seines, traps, or by the use of drugs or explosives, or for merchandise or profit, or in any other way than with hook and line, the rod or line being held in the hand * * * .'' 6 FR 1627 (March 26, 1941), 36 CFR 2.4. However, in conjunction with the aforementioned FWS regulations, the 1941 NPS regulations also stated that ``commercial fishing in the waters of Fort Jefferson and Glacier Bay National Monuments is permitted under special regulations.'' Id. NPS regulations continued to allow commercial fishing in Glacier Bay National Monument through 1966 in accordance with special regulations approved by the Secretary. See 20 FR 618 (1955), 36 CFR 1.4; 27 FR 6281 (July 3, 1962).

In 1966, NPS revised its fishing regulations so as to prohibit commercial fishing activities in Glacier Bay National Monument. Although the 1966 NPS regulations, unlike previous versions, only prohibited fishing ``for merchandise and profit'' in fresh park waters, these same regulations generally prohibited unauthorized commercial activities, including commercial fishing, in all NPS areas. See 31 FR 16653, 16661 (December 29, 1966), 36 CFR Secs. 2.13(j)(2), 5.3. In contrast to earlier NPS regulations, the 1966 regulations did not contain specific authorization for commercial fishing in Glacier Bay National Monument.

The 1978 NPS ``Management Policies'' reiterated that ``[c]ommercial fishing is permitted only where authorized by law.'' Furthermore, in 1978, the Department of the Interior directed FWS to convene an Ad Hoc Fisheries Task Force to review NPS fisheries management. See 45 FR 12304 (February 25, 1980). The task force concluded that the extraction of fish for commercial purposes was a nonconforming use of park resources which should be phased out.

As already noted, in 1980, ANILCA redesignated Glacier Bay National

Monument to Glacier Bay National Park and Preserve, enlarged the area, and designated wilderness that included marine waters within the park. 16 U.S.C. 410hh-1, 1132 note. ANILCA specifically authorized certain park areas where commercial fishing and related activities could continue, including the Dry Bay area of Glacier Bay National Preserve but not any area of Glacier Bay National Park. Id. section 410hh-4.

The 1983 revision of the NPS general regulations, still applicable, included a prohibition on commercial fishing throughout marine and fresh waters within park areas systemwide, unless specifically authorized by law. 48 FR 30252, 30283; 36 CFR 2.3(d)(4). The 1988 version of NPS ``Management Policies,`` still current, reiterates this approach.

However, certain NPS documents during the 1980's suggested that some commercial fishing would continue in Glacier Bay. For example, the 1980 and 1985 Glacier Bay whale protection regulations implicitly acknowledged commercial fishing operations in Glacier Bay proper. 36 CFR 13.65(b). Also, the park's 1984 General Management Plan stated the following:

Traditional commercial fishing practices will continue to be allowed throughout most park and preserve waters. However, no new (nontraditional) fishery will be allowed by the National Park Service. Halibut and salmon fishing and crabbing will not be prohibited by the Park Service.

Commercial fishing will be prohibited in wilderness waters in accordance with ANILCA and the Wilderness Act.

The General Management Plan defined ``traditional commercial fishing practices`` to include ``trolling, long lining and pot fishing for crab, and seining (Excursion Inlet only) in park waters * * *`` General Management Plan at 51. Finally, the 1988 Final Environmental Impact Statement concerning wilderness recommendations for Glacier Bay National Park referred to the continuation of commercial fishing in nonwilderness park waters.

Events Leading to This Proposed Rulemaking

NPS regulations have prohibited commercial fishing in Glacier Bay National Park (and the predecessor National Monument) since 1966, and the Wilderness Act has prohibited commercial fishing in the wilderness waters within Glacier Bay NP since 1980, yet commercial fishing activities have continued in both wilderness and non-wilderness areas of the park. Since 1990, there have been attempts to resolve this situation through litigation, an earlier proposed rulemaking, and proposed legislation.

In 1990, the Alaska Wildlife Alliance and American Wildlands filed a lawsuit challenging the NPS's failure to bar commercial fishing activities from Glacier Bay NP. Alaska Wildlife Alliance v. Jensen, No. A90-0345-CV (D. Ak.). In 1994, the district court concluded that

``there is no statutory ban on commercial fishing in Glacier Bay National Park provided, however, that commercial fishing is prohibited in that portion of Glacier Bay National Park designated as wilderness area.'' An appeal of the district court's ruling is currently pending before the U.S. Court of Appeals for the Ninth Circuit. Alaska Wildlife

Alliance v. Brady, Nos. 95-25151 and 95-35188 (9th Cir.).

Close to the time that the plaintiffs in the above litigation embarked on a judicial approach to resolution of the commercial fishing

issues, the State of Alaska's Citizens Advisory Commission on Federal Areas hosted a series of public meetings in local communities to discuss the issues. After participating in these meetings, the NPS decided to draft a regulatory approach to resolving the issues.

NPS published its proposed rule on August 5, 1991 (56 FR 37262).

In

essence, the proposed rule would have (a) clarified the prohibition on commercial fishing in designated wilderness waters, and (b) exempted commercial fishing in other park waters from the nationwide regulatory prohibition for a ``phase out'' period of seven years. NPS held ten public meetings on the proposed rule, received over 300 comments, and prepared drafts of a final rule. At the State's request, however, the Department of the Interior refrained from issuing a final rule in 1993,

and instead agreed to discuss with State and Congressional staff the possibility of resolving the issues through a legislative approach.

In 1992, Congress had considered but not enacted proposed legislation on commercial fishing in Glacier Bay NP. During the 1993-1994 discussions about legislative and regulatory possibilities, the participants enhanced their understanding of the facts, interests, options, and potential obstacles relevant to any final solution. Although the discussions did not lead to a legislative proposal, they have influenced the Department of the Interior's approach to this proposed rulemaking.

Between Fall 1995 and Spring 1996, officials from Glacier Bay NP and the Alaska Department of Fish and Game co-hosted several meetings in southeast Alaska involving selected ``stakeholders'' interested in trying to resolve the commercial fishing controversy.

Meanwhile during 1995 and 1996, NPS revised its management of vessels at Glacier Bay National Park through issuance of a plan and regulations. See 61 FR 27008 (May 30, 1996). Although the vessel management rule exempted commercial fishing vessels (engaged in fishing

and properly licensed) from entry limits established for other motorized vessels, the rule's closure of certain designated park waters

to motorized uses created the potential to affect certain commercial fishermen. See 36 CFR Sec. 13.65(b)(3)(vii). In response to comments in

that rulemaking, NPS noted its separate efforts to address the future of commercial fishing in Glacier Bay NP. 61 FR at 27013, 27015 (May 30, 1996).

Proposed Action on Commercial Fishing

Circumstances are now ripe to go forward with this new proposed rulemaking effort, taking advantage of the momentum toward a solution described above. This action authorizes full public participation, and will serve to facilitate constructive discussion, and to craft a comprehensive resolution to the controversy before the 1998 summer visitor season at Glacier Bay NP. Toward these ends, NPS is today proposing a rule that is, indeed, a proposal which can serve to structure the anticipated public discussion.

The district court's decision in *Alaska Wildlife Alliance v. Jensen*, above, upholding the NPS's interpretation of the NPS Organic Act and the Wilderness Act, demonstrates that rulemaking action is necessary. A rulemaking action can determine what commercial fishing activities are appropriate in Glacier Bay NP's waters consistent with the park's conservation and other objectives established by statute and proclamation. Indeed, the currently applicable regulatory prohibition on commercial fishing activities in all Glacier Bay NP waters necessitates a rulemaking to authorize any commercial fishing activities in the nonwilderness waters, even for purposes of "phasing out" the activities over a specified time.

NPS has several objectives for this rulemaking. First, NPS seeks to ensure fulfillment of the "fundamental" statutory purpose of the park, i.e., preservation of park resources and values, which in Glacier Bay NP includes protecting the park's marine ecosystem. Second, NPS seeks to provide for the visitors' enjoyment of these resources and values and to minimize conflicts among visitors

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pursuing different yet appropriate park experiences. Third, NPS seeks to provide unique opportunities for scientific study that will benefit the public and enhance resource management. Balancing these objectives,

NPS also seeks to act fairly toward individual commercial fishermen with a history of participation in park fisheries, to recognize the important cultural ties that the Hoonah Tlingit people have with respect to Glacier Bay, and to develop an effective partnership with the State of Alaska through the cooperative management program for Glacier Bay NP fisheries.

The proposed rule described below differs from the rule that NPS would have proposed even a few years ago. Several factors have influenced the shape of today's proposed rule, including the passage of many years with the continuation of unauthorized commercial fishing prohibitions in Glacier Bay; potential socioeconomic harm from approaches that would mandate immediate implementation of prohibitions throughout park waters; related equitable considerations for certain fishermen with an historical pattern of use in park waters; the

existence of an exciting research project already underway in Glacier Bay proper that can piggyback this rulemaking to expand scientific understanding of the fishery resources and natural processes to everyone's benefit. As participants in the 1995-1996 Alaska-based discussions may perceive, the proposed rule borrows in large measure from the consensus building process in which they were engaged, but provides notice and encourages comment from all interested parties in formulating the optimal solution for Glacier Bay NP, a widely cherished unit of the National Park System.

Overview of Proposed Rule

The proposed rule would prohibit all commercial fishing activities in Glacier Bay proper consistent with existing NPS regulation and policy. This prohibition would bar all such activities during the primary visitor use season beginning in 1998. NPS would offer a 15 year exemption from the prohibition outside the primary visitor use season, however, to accommodate a phase out for fishermen who can demonstrate historical reliance on a specific Glacier Bay fishery. Qualifying criteria for this exemption would include verified participation in the fishery during six of the last ten years. Subject to the availability of funds for this purpose, NPS (or a third party) could offer to purchase and retire the 15 year exemption permits from fishermen willing to sell them.

With respect to designated wilderness waters in Glacier Bay NP, commercial fishing activities must cease in these areas in compliance with the language and intent of the Wilderness Act as recently confirmed in *Alaska Wildlife Alliance v. Jensen*, above. However, certain crab fishermen who have been part of the existing multi-agency research project in the Beardslee Islands area may be authorized to take crab in the locations specified by the research project for the remaining five to seven years of the project subject to a special use permit.

The proposed rule would generally authorize commercial fishing to continue in the marine waters outside Glacier Bay proper (the "outer waters") by exempting such fishing from the otherwise applicable National Park System-wide prohibition on commercial fishing. This exemption would be subject to re-examination to allow consideration of new scientific and other relevant information at the end of 15 years. The proposed rule would restrict commercial fishing activities in the outer waters to well established fisheries and gear types. Commercial fishing activities in the outer waters, as well as those in Glacier Bay proper during the phase out period, would be governed by a cooperative fisheries management plan developed with the State of Alaska and implemented through the Alaska Board of Fisheries subject to the Secretary of the Interior's authority to protect park resource values. The Secretary, through NPS, would cooperatively ensure adherence to the plan under the provisions of 36 CFR 2.3(a) and 13.21(b).

Although the proposed rule as drafted does not contain a provision requiring additional limitations on, or a phase out of, commercial fishing in certain bays in the outer waters, NPS seeks comments on the inclusion of such protections in special cases, particularly for Lituya

Bay on the Outer Coast and Dundas Bay in Icy Strait. These bays are rich in biological resources and scenic beauty, and offer exceptional opportunities for park visitors.

Glacier Bay

This proposed rule would prohibit commercial fishing in the nonwilderness waters of Glacier Bay proper, but would provide a seasonal exemption from that prohibition for 15 years for fishermen who

demonstrate a reasonable history of participation in a specific Glacier Bay fishery.

Commercial Fishing Prohibition

The proposed rule would end commercial fishing in Glacier Bay proper within 15 years. This action would bring Glacier Bay into conformance not only with the general policy and rule applicable to units of the National Park System, but also with the particular objectives underlying the establishment of Glacier Bay National Park and its predecessor Glacier Bay National Monument. The value of Glacier

Bay as a protected marine ecosystem, rich in biological resources and special in its dynamic interactions with glacial and terrestrial systems, has never been higher. Protected marine ecosystems are scarce commodities. Examples of overfishing and overuse of marine waters have become increasingly common. The commercial fishing ban in Glacier Bay will enhance the protection of the park's ecological resources, while also reducing a variety of use conflicts with visitors seeking the kinds of recreational and inspirational experiences intended to be provided by national parks.

Limited Exemption From Prohibition

The proposed rule would offer a limited exemption from the prohibition on commercial fishing in Glacier Bay proper for purposes of equitably phasing out the activities of fishermen who have developed an historical reliance on a specific affected fishery. The key terms of this limited exemption include the following:

(a) Fifteen Years. The exemption, and all commercial fishing in Glacier Bay proper, would terminate in 15 years. This period of time should allow fishermen reasonable opportunity, where necessary, to adjust their fishing activities to areas outside Glacier Bay proper, amortize their current investment in fishing vessels and gear, or in many cases, continue fishing until retirement. In the 1991 proposed

rule, NPS offered a seven year exemption to phase out commercial fishing in Glacier Bay NP, and the Department of the Interior recommended a three to five year phase out of Glacier Bay proper during the 1993-1994 discussions. The 15-year phase out proposed in this rule responds to comments made by fishermen concerning the perceived inadequacy of the seven year phase out proposed in the 1991 NPS proposed rule. It also reflects a position that was emerging in the 1995-1996 Alaska-based discussions. NPS welcomes comment on the appropriate length of the exemption period.

(b). Outside the Primary Visitor Use Season. The exemption would be

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available throughout the 15 years only from October 1 to April 30, i.e., outside the primary visitor use season in Glacier Bay proper. Accordingly, beginning on May 1, 1998, commercial fishing would be prohibited in Glacier Bay NP during the primary visitor season, May 1 through September 30, to achieve substantial reduction in resource impacts and visitor use conflicts. NPS believes that the fishermen who would likely be eligible to qualify for the exemption in Glacier Bay proper (see criteria below) would generally be able to adjust their fishing to the October through April time frame during the 15-year phase out.

Glacier Bay National Park is truly a world-class park, with spectacular resources and a rich cultural history. The park is one of Alaska's premier visitor attractions, contributing significantly to the tourism economy of local communities and Southeast Alaska. Park visitation has doubled within the past ten years to over 300,000 visitors in 1996, a reflection of increasing visitor interest in the park and Alaska. Visitor use, formerly concentrated in a few short summer months, now encompasses an expanding visitor use season stretching from April through September.

Commercial fishing vessels are currently the only motorized vessels that are not expressly subject to entry limits and certain other restrictions in Glacier Bay proper. Since NPS vessel regulations were published for Glacier Bay in 1985 (50 FR 19886), the number of motorized vessels allowed in Glacier Bay during the summer months, including cruise ships, tour boats, charter vessels, and private boats, has been closely regulated. The park's recently completed Vessel Management Plan (1996) further refined the management of vessel traffic within Glacier Bay, provided increased opportunities for visitor access, enhanced protection of park resources (e.g., marine mammals and sea birds), and facilitated a range of high quality recreational opportunities for park visitors. All motorized vessels, with the sole exception of commercial fishing vessels, have been limited to daily and seasonal entry caps. Park regulations have also exempted commercial

fishing vessels from certain vessel maneuvering requirements designed to minimize disturbance of endangered humpback whales within Glacier Bay. In these respects, unauthorized and unregulated commercial fishing vessel activity within Glacier Bay during the summer visitor use season

has been inconsistent with NPS vessel regulations designed to protect park resources, provide for equitable public use of the park, and enhance the quality of the visitor experience at Glacier Bay.

This visitor use season prohibition on commercial fishing activities would minimize conflicts with other visitor activities, including competition for--and, in some cases, gear conflicts within--limited anchorages. Commercial fishing in Glacier Bay proper has disturbed visitors seeking opportunities to experience nature, quiet, solitude, or an escape from the indicia of modern civilization. This visitor use season prohibition would also reduce the effect of unlimited numbers of commercial fishing vessels on sensitive park resources, and would improve the background conditions for critical studies required by the Vessel Management Plan.

The visitor use season closure of Glacier Bay to commercial fishing would almost exclusively affect Dungeness crab (June 15--August 15) and halibut fisheries (March 15--November 15) under current State and International Pacific Halibut Commission (IPHC) regulations. However, federal and State fisheries regulations do permit fishing opportunities for halibut and Dungeness crab during the October 1--April 30 exemption period. Halibut, for example, would still be available for harvest in Glacier Bay for three months under this proposed rule (March 15--April 30, and October 1--November 15); Dungeness crab for two months (October 1--November 30). Halibut fishermen, in particular, would have ample opportunity to fish outside Glacier Bay during the proposed May 1--September 30 prohibition period. Under the IPHC management system, fishermen have eight months to fish within a large management area (of which Glacier Bay is but a portion) to catch their allotted Individual Fishing Quota (IFQ), i.e., pounds of halibut that may be harvested each year. Very little trolling activity for salmon occurs in Glacier Bay during the summer months under current fishing practices and State regulations, and the proposed visitor use season prohibition would be expected to have minimal impact on the activities of troll fishermen.

Although the proposed rule would bracket the visitor use season from May 1 through September 30, NPS solicits comments on the use of a different visitor use season during which all commercial fishing in Glacier Bay proper would be prohibited beginning in 1998. In previous comments and discussions, fishermen have suggested a shorter season (June 1 through August 31), and others have suggested a ``middle'' position of May 15 through September 15.

(c) Grandfathered (i.e., Qualifying) Fishermen. The fifteen year exemption would be available to individual owners of valid fishing

permits who can demonstrate a history of consistent participation in the specific Glacier Bay fishery for which an exemption is sought. The primary criteria would be documented participation in a given fishery in Glacier Bay proper for at least six of the last ten years (1987-1996), as supported by an affidavit, verified by a minimum number of reported landings from within Glacier Bay each of the six years, and perhaps corroborated by other supporting information. The minimum number of landings required would vary by fishery. For halibut, salmon, and tanner crab, the minimum number of landings in each qualifying year would be one. Ten landings of Dungeness crab would be required in each qualifying year. With these criteria, NPS would hope to identify those fishermen with a consistent (not intermittent or long past) reliance on a Glacier Bay fishery. NPS would also seek the assistance of the State of Alaska, the International Pacific Halibut Commission, and other knowledgeable sources in identifying valid permit owners who meet the historical reliance criteria.

NPS would require those fishermen qualifying for the exemption from the commercial fishing prohibition in Glacier Bay proper to obtain a non-transferable (except for purposes of permit retirement) special use permit from the Superintendent of Glacier Bay NP within two years following the effective date of a final rule. The existing procedures governing permit applications for activities in Alaska national park areas would apply. See 36 CFR Sec. 13.31. Commercial fishing in Glacier Bay proper without an NPS special use permit would be prohibited during the 15-year exemption period. At the end of the 15-year exemption, all special use permits would expire and all commercial fishing within Glacier Bay proper would cease.

NPS welcomes comment on the proposed ``grandfathering'' criteria and process.

(d). Exempted fisheries and gear types. Commercial fisheries eligible for the 15-year exemption in Glacier Bay proper would include trolling for salmon, long lining for halibut, and pot or ring net fishing for Dungeness and tanner crab. These are the fisheries that have consistently occurred within Glacier Bay for decades. All other fisheries and gear types would be prohibited. Since 1985, NPS regulations

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have expressly prohibited commercial fishing for shrimp, herring and whale prey species, and trawling in Glacier Bay. The exempted fisheries would be governed under a cooperative fisheries management plan developed by NPS and the State consistent with federal and non-conflicting State regulations. The plan would be implemented through the Alaska Board of Fisheries, with the Secretary retaining the

authority to protect park purposes and values under applicable law.

(e). Safe Harborage. Nothing in this proposed rulemaking, or existing NPS regulations, would affect the ability of fishermen or other vessel operators to seek safe harbor within Glacier Bay under hazardous weather or sea conditions, when experiencing mechanical problems, or in other exigent circumstances.

(f). Opportunity for ``Buy Out.'' Commercial fishermen who qualify for and obtain a special use permit for the 15-year exemption as outlined above might be willing to sell the permit to the NPS or a third party for the sole purpose of retiring the permit. Subject to the availability of funds for this purpose, NPS might be willing to buy these permits, especially early in the 15-year exemption period, to enable and encourage the fishermen who wish to pursue alternatives to fishing in Glacier Bay proper. Any such ``buy out'' would require, at a minimum, a willing seller, a willing buyer, and available funds.

Wilderness

This rulemaking reflects the Wilderness Act's statutory prohibition on commercial fishing within designated wilderness. Within Glacier Bay National Park, the wilderness waters of Dundas Bay, Rendu Inlet, Adams Inlet, the Hugh Miller Inlet complex, and the Beardslee Islands would continue to be closed to commercial fishing, a commercial enterprise incompatible with the requirements of the Wilderness Act of 1964.

Outer Waters

Exemption from current NPS prohibition on commercial fishing

This proposed rule would provide an exemption from the existing regulatory prohibition on commercial fishing in the nonwilderness waters of the Park located outside Glacier Bay proper. Authorized fisheries would be allowed to continue under a cooperative fisheries management plan developed by the NPS and State of Alaska and implemented through the Alaska Board of Fisheries. The NPS recognizes the fisheries management expertise of the Board of Fisheries, and would like to incorporate the use of this established regulatory and public involvement process familiar to the fishing community. NPS management objectives for the outer waters would be incorporated within this plan and include limits on the significant expansion of ongoing fisheries; protection of resident and sensitive fish species, including salmonid populations that spawn within the park; protection of other park wildlife and resources; and, minimization of conflicts with visitor use. A cooperative fisheries management plan would be regularly reviewed and evaluated with respect to achievement of State and NPS management objectives, and modified as necessary. Where NPS management objectives are not met under cooperative State/federal management, the Secretary could move to close or modify ongoing fisheries to protect park purposes and values following appropriate procedures, including

notice and hearing in the local area. Continued cooperative management would be reevaluated at the end of 15 years.

The proposed fifteen year exemption from the existing prohibition on commercial fishing in national park waters, with a re-examination of scientific and other information at that time, differs in significant respects from the seven-year exemption proposed by NPS in 1991, which would have presumptively closed park waters to commercial fishing at the end of the seven year exemption. This proposed rule responds to concerns from the fishing community and State regarding the long-term viability and importance of fisheries in the outer waters, particularly the troll fishery for salmon, which--according to comments received on the 1991 proposed rule--is of special importance and concern. NPS invites comment on the duration and terms of the proposed exemption for the ``outer waters.''

Gear Types

Fisheries authorized under this proposed rule would be delineated in the cooperative management plan, and would be limited to those species and gear types that have historically occurred and have provided commercially viable fisheries. New fisheries and gear types, or the expansion into the park of relatively new fisheries developing in Southeast Alaska (e.g., sea urchins, sea cucumbers) and other species not previously fished in the park, would be precluded. Gear types would be limited to those that have been historically prevalent in the outer waters: troll, long line, pots and ring nets, and purse seine (Excursion Inlet only).

Lituya and Dundas Bays

Two bays in outer waters merit special consideration: Lituya Bay on the Outer Coast and Dundas Bay in Icy Strait. These bays are arguably unique among outside waters. Both are geologically, culturally, and historically rich. Both provide sheltered habitat for marine life as well as outstanding opportunities for recreation. NPS specifically solicits public comment on whether these two special bays should be afforded additional protection through limitations on commercial fishing, including the possibility of a phase-out similar in approach to that proposed for Glacier Bay proper.

Safe Harborage

This proposed rule would not affect the use of protected bays along the park's outer waters for safe harborage. Safe harborage has always been allowed and will be continued for any vessel.

Research

The continued closure of certain areas of Glacier Bay National Park to commercial fishing as contemplated under this proposed rule presents unique and extremely valuable opportunities for science. The opportunity to pursue scientific endeavors about natural resources and processes was a primary reason Glacier Bay was established as a national monument in 1925. Indeed, Glacier Bay National Park has a distinguished scientific history.

NPS intends to work closely with the State, the scientific community, other fisheries, protected area managers, and the public to evaluate opportunities for carefully considered and designed cooperative studies presented by the proposal under consideration. A cooperative State and NPS fisheries management plan would, in part, identify cooperative research needs and opportunities that can benefit conservation of resources in the Park, and contribute toward models for sustainable fisheries and economies throughout Alaska and elsewhere.

Dungeness Crab Study

The ongoing MADS (Multi-Agency Dungeness Studies) is a cooperative project initiated in 1992 by the National Marine Fisheries Service, University of Alaska, Fairbanks, and the Biological Resources Division (BRD) of the U. S. Geological Service (USGS) (formerly National Biological Service). Phase I of the MADS study gathered data

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characterizing the size and structure of the Dungeness crab population at selected sites in Glacier Bay. Phase II of the study (five to seven years) requires both closed and open fishing areas for Dungeness crab within the Beardslee Islands study area, including Bartlett Cove; population parameters in the fished sites will be compared to sites closed to fishing. The information established by this study will provide an invaluable baseline for monitoring these areas with different fishing histories over time.

NPS had previously determined that the aspect of this scientific research that requires limited harvesting within the Beardslee Island wilderness comports with the restrictive criteria applicable to approving scientific research in a wilderness area, including the following: the project is of minimal impact and duration, its information is likely to be of great value for resource protection and protected area management purposes, and alternative locations are not available. Controlled experiments testing the impact of human exploitation on the population structure of harvested marine species are rare. Typically, areas that have been fished in the past are not available to study as ``unfished'' areas until the fishery has ``crashed,'' i.e., been depleted. Comparison of the crab population structure in fished and non-fished areas in Glacier Bay NP during this transitional period will markedly enhance the information base available to NPS managers in evaluating the relationship between fishing activities and the protection of park/wilderness resources,

and will also be valuable in quantifying the recovery of wilderness waters to an unexploited state. Furthermore, such information should prove valuable to all agencies involved in fisheries management in Alaska and elsewhere.

A small number of fishermen with an extensive knowledge of the Beardslee Islands Dungeness fishery may be authorized to participate in the study under a ``research project'' special use permit from the NPS.

For the stability of the study and principles of equitable selection, participation in the study would be limited to those fishermen who meet

the criteria for fishing in Glacier Bay during the fifteen year exemptive period, and have a personal history of Dungeness crab fishing

within the Beardslee Islands. Additional criteria may be considered if the number of eligible participants exceeds study needs. Fishing activities during the study would continue consistent with applicable State regulations, including the summer Dungeness fishery, currently June 15--August 15. The participation in this research project does not

preclude the fishermen from qualifying separately to fish in nonwilderness waters outside the study area.

The proposed rule would close Bartlett Cove (defined as that area of the cove enclosed by a line drawn between Halibut and Lester Points)

and a portion of the Beardslee Island waters to all fishing for Dungeness crab (including sport and personal use) for the purposes and duration of study through December 31, 2002. Maps and charts would be available from the Superintendent delineating the closure area. The closure would not affect fishing opportunities for other species, as otherwise allowed under federal and non-conflicting State regulations.

Halibut Study Proposal

The NPS is specifically seeking public comment at this time on a halibut study that would measure the effects of commercial harvest on halibut in Glacier Bay proper. Since 1992, research on Pacific halibut in Glacier Bay has concentrated on the many unanswered questions about the basic life history and ecological relationships of the species.

New

knowledge about the behavior of halibut, including their use of small home ranges, site fidelity, and the retention of reproductive individuals in Glacier Bay throughout the year, combined with the species' slow maturation and highly age-dependent reproduction, indicates that halibut have a high potential to experience local depletion through fishing. Thus, this species is a good candidate for additional protection and for examining the effects of commercial fishing by comparing open and closed areas. Through experimental closures, an understanding can be gained of the effects of fishing on halibut population size and structure, as well as any cascade effects

on prey species.

The halibut study would require the closure of Glacier Bay above Strawberry Island within the next few years, and would compare catch per unit effort and size structure of the halibut in the closed area to

a similar study site in Icy Strait where commercial halibut fishing would continue. Although this experimental closure, as proposed for review and comment, would substantially reduce the area available within Glacier Bay for commercial halibut fishing during the 15-year exemption period, it would not be expected to have an equivalent impact

on harvest. Available harvest data indicates a majority (> 50%) of halibut harvested in Glacier Bay are taken from the area of Glacier Bay

which would remain open to fishing under this study proposal.

Available biological data correlates with the harvest data, indicating highest numbers of halibut in the lower reaches of Glacier Bay and very few in the upper reaches. Under this study proposal, fishermen would continue to have access to the most productive area in Glacier Bay to harvest their IFQ shares of halibut.

The halibut study outlined above would allow fisheries managers an unparalleled opportunity to measure the effects of commercial fishing on halibut. This information is extremely important to the management and protection of halibut fisheries in and out of the Park, and serves to illustrate the potential benefits Glacier Bay National Park holds for science and the long-term conservation of fisheries resources.

Hoonah Tlingit Cultural Fishery

NPS and the Hoonah Indian Association (HIA), a federally recognized tribal entity, signed a Memorandum of Understanding in 1996, committing to work cooperatively to protect the cultural heritage of the Hoonah Tlingit, explore ways to recognize and honor the Tlingit's cultural connection to Glacier Bay, and allow for--and preserve--cultural activities compatible with park objectives. Toward that end, NPS will work with HIA to develop a cultural fishery program designed to preserve and pass on traditional native fishing methods. The State of Alaska's educational fishery program may serve as a vehicle for developing such a program.

Pending Environmental Assessment: Alternatives under Consideration

A forthcoming Environmental Assessment on commercial fishing within Glacier Bay National Park will more fully describe and analyze the potential effects of a range of alternative actions under consideration by the NPS. Brief descriptions of the draft alternatives under consideration follow and are offered to solicit preliminary public review and comment. A public review and comment period will be provided

for the Environmental Assessment and the proposed rule together. NPS will hold public meetings on the proposal and the alternatives and publish a schedule of times, dates and locations in the Federal Register. NPS has not made any final decisions regarding any proposals described herein. No final decisions will be reached until all applicable legal

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requirements have been met, including environmental review requirements.

Alternative A (No Action)

This alternative would leave in place the current regulations prohibiting commercial fishing activities within Glacier Bay National Park. Enforcement of the regulation would result in the cessation of all commercial fisheries in Park waters. NPS would explore possible mitigation mechanisms for affected fishermen. In addition, the NPS, in cooperation with the State of Alaska, the Biological Research Division, and other research entities, would explore opportunities to facilitate fishery research. This alternative would not require regulatory or legislative action.

Alternative B

This alternative would provide short-term, year round commercial fishing opportunities through a five-year exemption from the existing NPS regulatory prohibition on commercial fishing in Glacier Bay proper and a longer, fifteen year exemption in waters of the Park located outside Glacier Bay. The statutory prohibition on commercial fishing in designated wilderness areas would be reflected in the regulations. Fishing may be continued in specific locations in the Beardslee Islands as part of an ongoing scientific study of Dungeness crabs for a period of five years.

The five-year exemption in Glacier Bay would be available only to individual fishing vessel/permit owners who can demonstrate a history of consistent participation in each specific Glacier Bay fishery. The primary criteria would be documented participation in a given fishery for at least six of the last ten years (1987-1996), as verified by a minimum number of reported Glacier Bay fish landings and ownership of the appropriate fisheries permit(s), effective 1996. Fishermen not meeting criteria demonstrating consistent participation in fisheries, who have used the Bay only intermittently or in recent years, would not be allowed to fish in Glacier Bay.

Fisheries located outside Glacier Bay proper would be allowed to continue under a cooperative fisheries management plan developed with the State of Alaska and implemented through the Alaska Board of Fisheries for 15 years. During the 15-year period studies and research

regarding the relationship of commercial fishing uses to park resources and values would be conducted. If data from such studies indicate that certain levels and/or types of commercial fishing can compatibly coexist with conserving park resources in an unimpaired state, then the NPS may allow closely monitored commercial fisheries at prescribed levels after the 15-year period.

Alternative C (Proposed Action)

Alternative C would allow continued fishing in the Park's marine waters outside Glacier Bay proper, subject to achievement of NPS management objectives as would be defined in a cooperative management plan developed with the State. The regulations will reflect the statutory prohibition against commercial fishing in designated wilderness waters. Fishermen with a consistent history of participation would continue to fish within Glacier Bay for halibut, Dungeness and tanner crab, and salmon during a 15-year exemption period. Glacier Bay would close to commercial fishing during the visitor use season, May 1--September 30, to minimize conflicts with visitor use and Vessel Management Plan objectives. A research study on Dungeness crab would occur in the Beardslee Islands requiring closure of part of the Beardslee Islands, and Bartlett Cove, to all Dungeness crab fishing for a five-year study period; an additional research opportunity for halibut is suggested for public comment.

Alternative D (Continued Fishing)

Alternative D would allow continued fisheries harvest at the highest possible level while protecting park resources. This alternative, to the extent possible, would seek to allow local individuals to continue a traditional fishing lifestyle, promote and sustain fishing culture and maintain the economic viability of small business interests in Glacier Bay National Park and adjacent communities. With the exception of some fisheries, most would be authorized to continue throughout Glacier Bay National Park. This alternative would prohibit fisheries for those species vulnerable to over harvest (i.e., all king crab species, all rockfish species and ling cod), fisheries causing unacceptable habitat degradation (i.e., weathervane scallop dredge fishery), and trawling. The statutory prohibition on commercial fishing in Wilderness would be reflected in the regulations. This alternative would require a fisheries research and management program to obtain new information and assemble existing fisheries data for periodic evaluation regarding continued viability of fisheries. Periodic review would be accomplished by the NPS in consultation with appropriate fisheries management agencies. Alternative D would also require regulatory action to authorize commercial fisheries in park waters.

Section-by-Section Analysis

Paragraph (a)(1) would provide an exception, for the non-wilderness marine waters of Glacier Bay National Park, from the general NPS prohibition on commercial fishing; subparagraph (i) clarifies that wilderness waters remain statutorily closed.

Subparagraph (ii)(A) would require an NPS issued permit to conduct commercial fishing activities in Glacier Bay proper; (ii)(B) would establish eligibility and application requirements for commercial fishing in the Bay; (ii)(C) would establish an October 1 through April 30, non-renewable 15-year exemption period for commercial fishing in the Bay; commercial species and methods of take that would be allowed within the Bay are proposed in (ii)(D).

Subparagraph (iii)(A)-(B) would authorize the existing, prevalent commercial fishing operations in the other marine waters of the Park for a period of 15 years under a cooperative Federal/State management plan; (iii)(C) would require reexamination of continued commercial fishing under the cooperative agreement, based on the best scientific information and in consideration of park values and purposes, in the outer waters of the park at the end of the 15-year period.

Paragraph (a)(2) prohibits fishing for Dungeness crab within Beardslee Island study area, including Bartlett Cove, until December 31, 2002, except as authorized by a research permit. This will allow NPS/USGS BRD to complete the Multi-Agency Dungeness Studies initiated in 1992 by National Marine Fisheries Service and the University of Alaska, Fairbanks. The closure would not effect fishing opportunities for other species.

Paragraphs (b)(5)--(6) that prohibit both commercial harvest of species identified as whale prey and methods that remove these species are proposed to be withdrawn and reserved; paragraph (a)(1)(ii)(D) would replace them.

Drafting Information: The primary authors of this rule are Molly N.

Ross, Office of the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, Washington, D.C., Randy L. King, Chief Ranger, Glacier Bay National Park and Preserve, and Russel J. Wilson, Alaska Desk Officer, National Park Service, Washington, D.C. Other contributing National Park Service employees include: John W. Hiscock, Marvin Jensen, Mary Beth Moss, and Chad Soiseth.

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Public Participation

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments regarding this proposed rule to the address noted at the beginning of this rulemaking. The NPS will review all comments and consider making changes to the rule based upon a thorough analysis of the comments. NPS will schedule and provide specific notice of public meetings and discussion sessions in various locations during the

comment period.

Paperwork Reduction Act

The collection of information contained in section 13.65 (a)(1)(ii)(B) this rule is for the purpose of issuing a permit to allow a continuation of commercial fishing in Glacier Bay National Park based upon historical justification. The information collected will be used to determine who qualifies for the issuance of a permit. The obligation to respond is required to obtain a permit.

Specifically, the NPS needs the following information to issue a permit:

- (1) Applicants name, address and date of birth.
- (2) Vessel name, registration, ADF&G license numbers and description.
- (3) Alaska Limited Entry/Interim Use Permit Card Number.
- (4) Halibut Commission license number.
- (5) Fishery description/gear type.
- (6) Documented fish landings (1987-1996).

NPS has submitted the necessary documentation to the Office of Management and Budget under 44 U.S.C. 3501, et seq., requesting approval for the collection of this information for all areas covered by this rule. A document will be published in the Federal Register establishing an effective date for Sec. 13.65(a)(1)(ii)(B) when that approval is received from OMB.

The public reporting burden for the collection of this information is estimated to average less than two hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden of these information collection requests, to Information Collection Officer, National Park Service, 800 North Capitol Street, Washington, D.C. 20001; and the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Desk Officer for Department of the Interior (1024-0125), Washington, D.C. 20503.

Compliance With Other Laws

This rule was reviewed by the Office of Management and Budget under Executive Order 12866. The Department of the Interior determined that the proposed rule is not major.

The Department of the Interior determined that this proposed rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq). The revision mainly clarifies previously existing statutory and

regulatory prohibitions. The expected redistribution of commercial fishing efforts to areas outside of the park is not expected to significantly effect a substantial number of small businessmen.

The NPS has determined and certifies pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 et seq., that this proposed rule will not impose a cost of \$100 million or more in any given year on local, State, or tribal governments or private entities.

Pursuant to the National Environmental Policy Act, 42 U.S.C. 4332, NPS is preparing an environmental assessment (EA) on the proposed action and alternatives that are outlined in this rule. The Service will complete the EA and publish a notice of availability in the Federal Register during the comment period provided for in this rule so that interested parties can comment contemporaneously on both documents.

List of Subjects in 36 CFR Part 13

Alaska, National parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, NPS proposes to amend 36 CFR part 13 as follows:

PART 13--NATIONAL PARK SYSTEM UNITS IN ALASKA

1. The authority citation for Part 13 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 462(k), 3101 et seq.; Sec. 13.65 also issued under 16 U.S.C. 1a-2(h), 20, 1361, 1531, 3197.

2. Section 13.65 is amended by adding paragraph (a) and removing and reserving paragraphs (b)(5) and (b)(6) to read as follows:

Sec. 13.65 Glacier Bay National Park and Preserve.

(a) Fishing.--(1) Commercial fishing. During the time frames that follow, specified commercial fisheries in listed salt waters of Glacier Bay National Park are exempt from the commercial fishing prohibition contained in this chapter:

(i) Commercial fishing and associated buying and processing operations within designated wilderness areas are prohibited. Maps and charts showing designated wilderness areas are available from the Superintendent.

(ii) Glacier Bay. (A) A non-transferable special use permit issued by the Superintendent is required to conduct commercial fishing within Glacier Bay during the exemptive period. Commercial fishing without a special use permit is prohibited.

(B) Eligibility requirements to obtain a special use permit for each fishery include a current, valid State and/or federal commercial fishing permit(s) for Glacier Bay waters; participation in the fishery within Glacier Bay a minimum of six years during the period 1987-1996,

as verified by affidavit and documentation of at least one landing in each year from Glacier Bay for halibut, salmon, or tanner crab; for Dungeness crab, ten landings are required in each of the six qualifying

years. Application for a special use permit must be made within two years from [effective date of the final regulation].

(C) October 1 through April 30, commercial fishing and associated buying and processing operations are authorized in all non-wilderness waters of Glacier Bay north of a line from Point Carolus to Point Gustavus for a period of 15 years from the effective date of this regulation. At the end of the exemptive periods, all commercial fishing and associated buying and processing operations shall end, and the prohibition contained in this chapter shall apply.

(D) Commercial fishing for other than the following species, or by other than the following methods is prohibited: trolling for salmon, long lining for halibut, pot or ring net fishing for Dungeness and tanner crab.

(iii) Outer waters. (A) Commercial fishing and associated buying and processing operations are authorized in all marine waters within park boundaries not listed in paragraph (a)(1)(ii)(B) of this section, pursuant to a cooperative federal and State of Alaska management plan for a period of 15 years from [effective date of the final regulation].

(B) Commercial fishing by other than the following methods is prohibited: trolling, long lining, pot and ring net

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fishing for Dungeness and tanner crab, and purse seining in Excursion Inlet.

(C) At the end of the 15-year exemptive period, the Secretary will reexamine and reevaluate continued commercial fishing in the outer waters, based on the best available scientific information and in consideration of park values and purposes.

(2) Fishing for Dungeness crab within the Beardslee Island study area, including the area enclosed within Bartlett Cove by an imaginary line drawn between Lester and Halibut Points, is prohibited until December 31, 2002, except as authorized by a NPS research permit. Maps and charts showing the Beardslee Island study area are available from the Superintendent.

(b) * * *

(5) [Reserved]

(6) [Reserved]

* * * * *

Dated: February 13, 1997.

George T. Frampton, Jr.,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 97-9800 Filed 4-15-97; 8:45 am]

BILLING CODE 4310-70-P

Contact: glba_webmaster@nps.gov

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Environmental Assessment on Glacier Bay Fishing

An environmental assessment (EA) addressing the effects of a proposed federal regulation and alternatives regarding the future of commercial fishing in Glacier Bay National Park is available for public review. Public hearings on the proposed rule and Environment Assessment were scheduled and held in May. **The public comment period has been extended to January 15, 1999.**

More details about the EA and the public involvement process are available in an [April 10 Press Release](#). **Update:** The [December 11 News Release](#) extends the public comment period on the EA and Proposed Rule to January 15, 1999.

The Executive Summary of the EA is available here in Adobe Acrobat format. If you already have Adobe Acrobat on your computer, you may proceed directly to downloading and viewing the Executive Summary by [clicking here](#).

If you do not have Adobe Acrobat on your system, you may download and install the reader from Adobe Systems at no charge by [clicking here](#).

Further information on the proposals, and copies of the environmental assessment and an executive summary are available by writing Glen Yankus, National Park Service, Alaska Support Office, 2525 Gambell St., Anchorage, AK 99503-2838, or calling 257-2645.

Comments on the EA or proposed rule should be addressed to the Superintendent, Glacier Bay National Park and Preserve, P. O. Box 140, Gustavus, Alaska 99826 by November 15, 1998. Comments can also be faxed to the park at (907) 697-2654 or e-mailed to GLBA_Fish_Comments@nps.gov. If you send e-mail, please include a postal address. Additional assistance can be obtained by phoning (907) 697-2230.

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Environmental Assessment on Glacier Bay Fishing Available

April 10, 1998 CONTACT: John Quinley
For Immediate Release (907) 257-2696

An environmental assessment addressing the effects of a proposed federal regulation (*available in [text](#) or [PDF](#)*) and alternatives regarding the future of commercial fishing in Glacier Bay National Park is available for public review. Public hearings on the proposed rule and Environment Assessment are scheduled in May. The public comment period ends June 1.

NPS regulations have prohibited commercial fishing in the park since 1966, and the Wilderness Act has prohibited commercial fishing in the wilderness waters within Glacier Bay National Park since 1980. Commercial fishing, however, has continued in both wilderness and non-wilderness areas of the park.

Since 1990, several attempts have been made to resolve the issue through litigation, administrative rulemaking and legislation. Continued interest in resolving the issue led NPS to develop and publish a proposed rule on commercial fishing on April 16, 1997. The environmental assessment evaluates the proposed rule and four alternatives for managing commercial fishing in the marine waters of the park.

The **proposed action** would allow commercial fishing in non-wilderness marine waters of Glacier Bay proper to continue for 15 years; commercial fishing in wilderness waters would end at the time the regulations go into effect. Commercial fishing would generally be authorized to continue in non-wilderness waters outside Glacier Bay proper under a cooperative fisheries management plan developed by the NPS and state of Alaska. The four alternatives to the proposed action are:

Alternative Two/No Action – This alternative would enforce the existing statutory and regulatory prohibitions regarding commercial fishing activities within the marine waters of the park. Enforcement of NPS regulations would result in the immediate cessation of all commercial fisheries in all park waters with no opportunity to phase out fishing through limited exemptions.

Alternative Three – This alternative incorporates marine reserve concepts consistent with the park's purposes. Specifically, this alternative would focus on protecting those species for which the park serves as an appropriate marine reserve (i.e., resident species) while allowing continued harvest of species that are subject to harvest outside park waters (i.e., transient species).

Alternative Four – This alternative would allow local individuals to continue commercial fishing throughout Glacier Bay National Park. This alternative would prohibit only those fisheries that cannot be sustained or that cause unacceptable habitat degradation.

Alternative Five – This alternative would implement a fisheries plan described in a NPS proposed regulations released in 1991. It would end all commercial fishing activities in the park

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after seven years, and until that time would allow commercial fishing in non-wilderness waters by traditional methods.

Open houses and public hearings are planned in seven communities in May. The meetings are scheduled as follows:

| Community | Date | Location | Time |
|-------------------|--------|--------------------------------|---------------------------------|
| Gustavus | May 4 | Gustavus Library | 3:00-5:00 p.m. (open house) |
| | | Gustavus School | 7:00-10:00 p.m. |
| Hoonah | May 5 | Council Chambers | 3:00-5:00 p.m.; 7:00-10:00 p.m. |
| Pelican | May 7 | Community Hall | 3:00-5:00 p.m.; 7:00-10:00 p.m. |
| Elfin Cove | May 8 | School Library | 4:00-6:00 p.m.; 7:00-10:00 p.m. |
| Juneau | May 11 | Egan Room, Centennial Hall | 3:00-5:00 p.m.; 7:00-10:00 p.m. |
| Sitka | May 12 | Mausseau Room, Centennial | 3:00-5:00 p.m.; 7:00-10:00 p.m. |
| Seattle | May 14 | Klondike Gold Rush NHP Theater | 3:00-5:00 p.m.; 7:00-10:00 p.m. |

Further information on the proposals, and copies of the environmental assessment and an executive summary are available by writing Glen Yankus, National Park Service, Alaska Support Office, 2525 Gambell St., Anchorage, AK 99503-2838, or calling 257-2645. A copy of the **Executive Summary** for the EA will be available on the park's web site at <http://www.nps.gov/glba>.

Comments on the EA or proposed rule should be addressed to the Superintendent, Glacier Bay National Park and Preserve, P. O. Box 140, Gustavus, Alaska 99826 by June 1, 1998. Comments can also be faxed to the park at (907) 697-2654 or e-mailed to GLBA_Fish_Comments@nps.gov. If you send e-mail, please include a postal address. Additional assistance can be obtained by phoning (907) 697-2230.

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Public Comment Period Extended For Proposed Glacier Bay Commercial Fishing Regulations

For Immediate Release Contact: Randy King
December 11, 1998 Glacier Bay National Park,
907-697-2232

The public comment period on the proposed regulations and environmental assessment regarding commercial fishing in Glacier Bay National Park has been extended to January 15, 1999.

The National Park Service appropriations act for 1999 established several statutory requirements for the management of commercial fishing in Glacier Bay National Park. The Congress directed the NPS to extend the public comment period on the draft regulations until January 15, and then publish a final rule.

The law directs the Park Service and the State of Alaska to develop a cooperative management plan for commercial fisheries within the park, consistent with protection of park values and purposes, a prohibition on new or expanded fisheries, and opportunities for study of marine resources. The law provides for the continuation of existing commercial fisheries in the marine waters of Glacier Bay National Park outside Glacier Bay proper. The law limits commercial fisheries within Glacier Bay proper to Tanner crab, halibut and salmon, and limits participation in these commercial fisheries to the lifetimes of individual fishermen with a qualifying history.

Areas in the upper reaches and inlets of Glacier Bay proper are closed to all commercial fishing, or limited to winter season king salmon trolling by grandfathered fishermen. Designated marine wilderness areas in the park are closed to commercial fishing. Compensation is provided for qualifying Dungeness crab fishermen displaced by closure of designated wilderness waters of the Beardslee Islands and Dundas Bay.

The law (*available in [text](#) or [PDF](#)*) determined several aspects of the NPS's proposed rule, but left other aspects open for final rulemaking. For example, the law established the phase-out of commercial fishing in Glacier Bay proper but left open to public comment and a decision by the Secretary of the Interior specifics of how individuals would qualify for the lifetime access permits.

The Federal Register notice (*available in [text](#) or [PDF](#)*) extends the comment period and invites additional comment on all aspects of the draft regulations, including areas not addressed by the law. The Park Service will review all 1,300-plus comments received to date on the proposed rule and EA, and encourages additional comments in light of the new legislation. Comments on the proposed rule and EA will be accepted through January 15, 1999.

The Federal Register notice also describes the application procedures for the Dungeness crab commercial fishery compensation program authorized by the law (*available in [text](#) or [PDF](#)*).

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Applications for the Dungeness crab commercial fishery compensation program will be accepted on or before February 1, 1999.

Comments on the proposed rule and EA, and applications for the Dungeness crab commercial fishery compensation program, should be submitted to the: Superintendent, Glacier Bay National Park and Preserve, P. O. Box 140, Gustavus, Alaska 99826. Comments on the proposed rule and EA may be made on the park's web site at <http://www.nps.gov/glba>, or by phoning the park at (907) 697-2230.

Copies of the EA, the Executive Summary and Federal Register notice are available by writing Glen Yankus, National Park Service Support Office, 2525 Gambell St., Anchorage, Alaska 99503-2838, or calling (907) 257-2645. The EA Executive Summary, Proposed Rule, Section 123 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act for FY 1999 and Federal Register notice also will be available on the park's web site.

-- END --

Contact: glba_webmaster@nps.gov

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 [DOCID:fr02au99-46]

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DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 13

RIN 1024-AB99

Glacier Bay National Park, Alaska; Commercial Fishing Regulations

AGENCY: National Park Service, (NPS), Interior.

ACTION: Re-Proposed rule.

SUMMARY: This re-proposed rule satisfies the requirement in Pub. L. 106-31 for the Secretary of Interior to provide an opportunity for public comment of not less than 45 days. This rule implements section 123 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act for FY 1999 ('`the Act''), as amended, and establishes special regulations for commercial fisheries within the marine waters of Glacier Bay National Park (NP), Alaska. This rule, in part, amends the general regulatory prohibition on commercial fishing activities in units of the National Park System, and instead, authorizes various existing commercial fisheries to continue in most marine waters of the park subject to a cooperatively developed state/federal fisheries management plan consistent with the requirements of the Act. The rule limits commercial fisheries in Glacier Bay proper to pot and ring net fishing for Tanner crab, longlining for halibut, and trolling for salmon. The rule describes eligibility criteria that allow certain fishermen with a sufficient, reoccurring recent history of participation in Glacier Bay fisheries to continue fishing in Glacier

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Bay proper for their lifetimes. Moreover, the rule describes application requirements and procedures for those fishermen to follow to obtain a special use permit for lifetime access to a particular Glacier Bay proper fishery. The rule would close certain inlets and areas in the upper reaches of Glacier Bay proper to all commercial fishing by a variety of closure dates set forth in the Act, and would limit certain other areas only to winter season trolling for king salmon by qualifying fishermen. Additionally, the rule would reaffirm closure of all designated wilderness areas in the park to commercial fishing activities.

Nothing in this rule is intended to modify or restrict non-commercial fishing activities otherwise authorized under federal and non-conflicting state fishing regulations, nor to effect legislatively authorized commercial fishing activities within Glacier Bay National Preserve.

In summary, section 123 of the Act laid out four major sets of directives on commercial fishing in Glacier Bay National Park. First, it closed specifically identified areas of non-wilderness waters in Glacier Bay proper and all wilderness waters to all commercial fishing.

Second, it established a process for ``grandfathering'' certain qualifying fisherman who would be allowed to continue fishing in the remaining waters of Glacier Bay proper under lifetime permits. Third, it clarified that the marine waters outside of Glacier Bay proper would remain open to commercial fishing. And fourth, it directed that the commercial fisheries that would be allowed to continue be managed in accordance with a cooperatively developed State/Federal fisheries management plan. This rule addresses the first three of these directives. The cooperative State/Federal fisheries management plan is being developed independent of this rule and will be announced at a later date.

DATES: Written comments will be accepted through September 16, 1999.

ADDRESSES: Comments should be directed to Tomie Lee, Superintendent,

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

FOR FURTHER INFORMATION CONTACT: Tomie Lee, Superintendent, Glacier Bay National Park and Preserve, P.O. Box 140, Gustavus, Alaska, 99827, telephone: (907) 697-2230.

SUPPLEMENTARY INFORMATION:

Background

Establishment of Glacier Bay National Park and Preserve Glacier Bay

National Park and Preserve is a 3.3 million acre, glacier-crowned, marine wilderness that stretches northward from Alaska's Inside Passage

to the Alsek River, encircling the magnificent, saltwater Glacier Bay. The park derives its name and much of its biological and cultural significance from this great Bay, which harbors spectacular tidewater glaciers and a unique assemblage of marine and terrestrial life.

Glacier Bay National Monument was established by presidential proclamation dated February 26, 1925. 43 Stat. 1988. The monument was established to protect a number of tidewater and other glaciers, and a variety of post glacial forest and other vegetative covering, and also to provide opportunities for scientific study of glacial activity and post glacial biological succession. The early monument included marine waters within Glacier Bay north of a line running approximately from Geikie Inlet on the west side of the bay to the northern extent of the Beardslee Islands on the east side of the bay. The monument was expanded by a second presidential proclamation on April 18, 1939. 53 Stat. 2534. The expanded monument included additional lands and marine waters consisting of all of Glacier Bay proper; portions of Cross Sound, North Inian Pass, North Passage, Icy Passage, and Excursion Inlet; and Pacific coastal waters to a distance of three miles seaward between Cape Spencer to the south and Sea Otter Creek, north of Cape Fairweather.

Glacier Bay National Monument was designated as Glacier Bay National Park and Preserve and enlarged in 1980 by the Alaska National Interest Lands Conservation Act (ANILCA). 16 U.S.C. 410hh-1; see Sen. Rep. No. 413, 96th Cong., 1st Sess. 163 (1979). The legislative history

of ANILCA indicates that certain NPS units in Alaska, including Glacier

Bay National Park, ``* * * are intended to be large sanctuaries where fish and wildlife may roam freely, developing their social structures and evolving over long periods of time as nearly as possible without the changes that extensive human activities would cause.' Id. at 137; see Cong. Rec. H10532 (1980). Congress described the park as including the adjacent marine waters, and depicted the park accordingly on the official maps.

In addition, ANILCA designated several marine areas within and near

Glacier Bay proper as additions to the National Wilderness Preservation

System. 16 U.S.C. 1132 note. These areas include upper Dundas Bay, Adams Inlet, the Hugh Miller Inlet complex, Rendu Inlet, and waters in and around the Beardslee Islands.

Within the park's jurisdiction are over 600,000 acres of marine waters, including 53,000 acres of designated wilderness. As a result, Glacier Bay National Park is one of only a handful of conservation areas in the world that includes extensive saltwater habitat. It is also the largest marine area managed by the National Park Service (NPS). As such, it provides valuable opportunities to study and enjoy marine flora and fauna in an unimpaired state, and to educate the public about the biological richness of marine systems and relationship

to adjacent glacial and terrestrial systems.

Management of Glacier Bay National Park and Preserve

In addition to the national monument proclamations and relevant ANILCA provisions, the management of Glacier Bay National Park and Preserve has been governed by the NPS Organic Act, 16 U.S.C. Section 1, et seq. The NPS Organic Act authorizes the Secretary of the Interior to manage national parks and monuments to ``conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.'' Id. Section 1. This act further directs that ``[t]he authorization of activities shall be construed and the protection, management, and administration of [NPS areas] shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress.'' Id. Section 1a-1. The NPS national general regulations and policies prohibit the commercial extraction of any resources--including fish--for personal profit from areas of the National Park System, absent specific direction to the contrary from Congress. This regulatory prohibition on the commercial extraction of resources from national park areas forms the origins of the longstanding conflict regarding commercial fishing activities in the nonwilderness marine waters of Glacier Bay National Park.

The NPS Organic Act authorizes the Secretary to implement ``rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments and reservations under the jurisdiction of the National Park Service.'' Id. Section 3. The Secretary has additional specific authority to ``promulgate and enforce regulations concerning boating and other activities on or relating to waters located within areas of the National Park System, including waters subject to the jurisdiction of the United States * * *.'' Id. Section 1a-2(h).

The designated wilderness areas within Glacier Bay NP, including the marine areas, are additionally governed by the Wilderness Act, Id. section Sec. 1131, et seq., which defines wilderness ``as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain.'' The Wilderness Act requires that wilderness be ``administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness

character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness.'" Id. Section 1131 (a).

Among other things, the Wilderness Act prohibits ``commercial enterprise * * * within any wilderness area * * * except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act * * *'' Id. Section 1133(c).

In addition, Congress recently passed the Omnibus Consolidated and Emergency Supplemental Act for FY1999 (Pub. L. 105-277), signed into law on October 21, 1998. Section 123 of this Act contained a series of compromises that were designed to provide final resolution of the dispute over the appropriateness of commercial fishing in Glacier Bay. Congress subsequently enacted legislation amending section 123 on May 21, 1999 in order to provide further clarification of commercial fishing phase-out and compensation provisions. This rule is designed to implement the various provisions of section 123 of the Act, as amended by section 501 of the 1999 Emergency Supplemental Appropriations Act (Pub. L. 106-31, 113

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Stat. 57). The requirements of the Act, as amended, are more fully described in a following section of this rulemaking.

Commercial Fishing History

The marine waters of Glacier Bay National Park have been fished commercially since prior to the establishment of Glacier Bay National Monument. Commercial fishing continued under federal regulation after the national monument's establishment in 1925 and its subsequent enlargement in 1939.

The Act of June 6, 1924, 43 Stat. 464, authorized the Secretary of Commerce to ``set apart and reserve fishing areas in any of the waters of Alaska * * * and within such areas may establish closed seasons during which fishing may be limited or prohibited * * *.'' The first Alaska Fishery Regulations of the Bureau of Fisheries, promulgated between 1937 and 1939, addressed fisheries in an area designated as the Icy Strait district including Glacier Bay National Monument. See 2 FR 359 (February 12, 1937); 4 FR 927 (February 15, 1939). Those regulations, and regulations promulgated by the U.S. Fish and Wildlife Service (FWS) between 1941 and 1959, set allowances for and restrictions on commercial fisheries in areas within the boundaries of Glacier Bay National Monument. See 6 FR 1252 (March 4, 1941), 50 CFR Part 222; 16 FR 2158 (1951), 50 CFR Part 117; 24 FR 2153 (March 19, 1959), 50 CFR Part 115.

Early NPS fishing regulations prohibited any type of fishing ``with nets, seines, traps, or by the use of drugs or explosives, or for merchandise or profit, or in any other way than with hook and line, the

rod or line being held in the hand * * *.' 6 FR 1627 (March 26, 1941),

36 CFR 2.4. However, in conjunction with the aforementioned FWS regulations, the 1941 NPS regulations also stated that ``commercial fishing in the waters of Fort Jefferson and Glacier Bay National Monuments is permitted under special regulations.' Id. NPS regulations

continued to allow commercial fishing in Glacier Bay National Monument through 1966 in accordance with special regulations approved by the Secretary. See 20 FR 618 (1955), 36 CFR 1.4; 27 FR 6281 (July 3, 1962).

In 1966, NPS revised its fishing regulations so as to prohibit commercial fishing activities in Glacier Bay National Monument. Although the 1966 NPS regulations, unlike previous versions, only prohibited fishing ``for merchandise and profit' in park fresh waters,

these same regulations generally prohibited unauthorized commercial activities, including commercial fishing, in all NPS areas. See 31 FR 16653, 16661 (December 29, 1966), 36 CFR Secs. 2.13(j)(2), 5.3. In contrast to earlier NPS regulations, the 1966 regulations did not contain specific authorization for commercial fishing in Glacier Bay National Monument.

The 1978 NPS ``Management Policies' reiterated that ``[c]ommercial fishing is permitted only where authorized by law.' Furthermore, in 1978, the Department of the Interior directed FWS to convene an Ad Hoc Fisheries Task Force to review NPS fisheries management. See 45 FR 12304 (February 25, 1980). The task force concluded that the extraction of fish for commercial purposes was a nonconforming use of park resources.

As already noted, in 1980, ANILCA designated Glacier Bay National Monument as Glacier Bay National Park and Preserve, enlarged the area, and designated wilderness that included marine waters within the park. 16 U.S.C. 410hh-1, 1132 note. ANILCA specifically authorized certain park areas where commercial fishing and related activities could continue, including the Dry Bay area of Glacier Bay National Preserve, but not in any area of Glacier Bay National Park. Id. section 410hh-4.

The 1983 revision of the NPS general regulations included the current prohibition on commercial fishing throughout marine and fresh waters within park areas system-wide, unless specifically authorized by

law. 48 FR 30252, 30283; 36 CFR 2.3(d)(4). The 1988 version of NPS ``Management Policies,' still current, reiterates this approach.

However, in the 1980's NPS concluded that some commercial fishing would be tolerated and allowed to continue in Glacier Bay despite National Park Service general policies to the contrary. For example, the 1980, 1983 and 1985 Glacier Bay whale protection regulations implicitly acknowledged commercial fishing operations in Glacier Bay proper. 36 CFR 13.65(b). Also, the park's 1984 General Management Plan stated the following:

Traditional commercial fishing practices will continue to be allowed throughout most park and preserve waters. However, no new

(nontraditional) fishery will be allowed by the National Park Service. Halibut and salmon fishing and crabbing will not be prohibited by the Park Service. Commercial fishing will be prohibited in wilderness waters in accordance with ANILCA and the Wilderness Act.

The General Management Plan defined ``traditional commercial fishing practices'' to include ``trotting, longlining and pot fishing for crab, and seining (Excursion Inlet only) in park waters * * *.'' General Management Plan at p.51. Finally, the 1988 Final Environmental Impact Statement concerning wilderness recommendations for Glacier Bay National Park referred to the continuation of commercial fishing in nonwilderness park waters.

Events Leading to This Rule

The Wilderness Act has prohibited commercial fishing in the wilderness waters within Glacier Bay NP since 1980. Nevertheless, commercial fishing activities were allowed to continue through a policy of non-enforcement by park management in both wilderness and non-wilderness marine waters of the park. Ultimately recognizing the need to conform Glacier Bay management practices with NPS national policies against commercial fishing in the Park System, there have been several attempts since 1990 to resolve this situation through proposed rulemaking, proposed legislation and negotiation.

In 1990, the Alaska Wildlife Alliance and American Wildlands **filed** a lawsuit challenging the NPS's failure to bar commercial fishing activities from Glacier Bay NP. Alaska Wildlife Alliance v. Jensen, No.

A90-0345-CV (D. AK.). In 1994, the U.S. District Court for Alaska concluded that ``there is no statutory ban on commercial fishing in Glacier Bay National Park provided, however, that commercial fishing is prohibited in that portion of Glacier Bay National Park designated as wilderness area.'' The District Courts' decision was affirmed in March 1997 by the United States Court of Appeals for the Ninth Circuit (Alaska Wildlife Alliance v. Jensen, 108 F.3d 1065 (9th Cir. 1997)). Close to the time that the plaintiffs referenced above initiated the litigation, the State of Alaska's Citizens Advisory Commission on Federal Areas hosted a series of public meetings in local communities to discuss the issues. Following these meetings, NPS decided to draft a regulatory approach to resolving the issues.

NPS published its first proposed rule on August 5, 1991 (56 FR 37262). In essence, the 1991 proposed rule would have: (a) Clarified the statutory prohibition on commercial fishing in designated wilderness waters, and (b) phased out commercial fishing in other park waters over a seven year period. NPS held ten public meetings on the proposed rule, received over 300 comments, and drafted a final rule. At the State's request, however, the Department of the Interior refrained

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from issuing a final rule in 1993, and instead agreed to discuss with state and Congressional staff the possibility of resolving the issues through a legislative approach.

Between fall 1995 and spring 1996, officials from Glacier Bay National Park and the Alaska Department of Fish and Game (ADFG) co-hosted several meetings in Southeast Alaska involving ``stakeholders'' interested in trying to resolve the commercial fishing controversy. The stakeholders included representatives of the commercial fishing industry; Native groups; and local, regional and national conservation organizations.

The 1997 Proposed Rule

The National Park Service introduced a new proposed rule for commercial fishing on April 16, 1997 (62 FR 18547). The 1997 proposed rule was intended to provide a further opportunity for public participation and discussion--including ongoing efforts with the State of Alaska--toward a comprehensive resolution of commercial fishing issues in the park. NPS also recognized that new regulations would be necessary to exempt any ongoing commercial fisheries from the general NPS regulatory prohibition found at 36 CFR 2.3(d)(4).

This proposed rule varied significantly from the 1991 NPS proposed rule that would have phased out commercial fishing throughout the park after seven years. In general, the 1997 proposed rule: (a) Prohibited all commercial fishing in Glacier Bay proper but provided certain limited exemptions over a fifteen-year phase-out period for fishermen with a qualifying history of participation in four specified fisheries; (b) closed Glacier Bay proper to commercial fishing during the visitor use season; (c) allowed most commercial fisheries in the park's marine waters outside Glacier Bay proper to continue, subject to reexamination at the end of fifteen years; (d) implemented the statutory prohibition on commercial fishing in designated marine wilderness waters; and, (e) contemplated a management regime for those commercial fisheries allowed to continue that would be based upon a cooperatively developed fisheries management plan developed by NPS and the State, implemented through the Alaska Board of Fisheries, and subject to the Secretary of the Interior's authority to protect park resources and values. Moreover, the preamble of the proposed rule offered for public comment ideas for halibut and Dungeness crab studies, a Hoonah Tlingit cultural fishery, and additional protections for Lituya and Dundas bays. The full text of the 1997 proposed rule should be referred to for a complete description of the proposed actions and additional background information.

NPS described several objectives for resolution of commercial fishing issues in the 1997 proposed rule and an accompanying Environmental Assessment (EA) published in April 1998 and discussed

later in more detail in this document. These objectives included: preserving habitats and natural population structure and species distribution; allowing natural succession and evolutionary processes to proceed; maintaining biological and genetic diversity; minimizing visitor and vessel-use conflicts; protecting wilderness values; honoring Native cultural ties, and, expanding existing knowledge and understanding of marine ecosystems. NPS also sought to treat individual commercial fishermen fairly, and to develop an effective partnership with the State that would enhance understanding and conservation of fisheries and marine resources within the park.

In October 1997 (62 FR 54409) NPS extended the public comment deadline from October 15th to June 1, 1998 to provide additional opportunity for comment on the proposed rule and pending EA.

From November 1997 to February 1998 NPS sponsored 3 additional full-day public workshops in Juneau, Alaska to continue discussing the issues associated with the park's commercial fisheries. The first of these public workshops was noticed in the Federal Register (62 FR 58932, October 31, 1997), while subsequent workshops were publicized in local media. These workshops contributed to the scoping process for the NPS EA.

Scheduled concurrently with the NPS public workshops, the Alaska Department of Fish and Game sponsored 6 public meetings in Juneau from November 1997 to June 1998. This Glacier Bay Work Group, as it was termed, included several representatives of the commercial fishing industry, Native corporations and governments, and local, regional and national conservation groups. The meetings were open to and attended by various members of the public. NPS and DOI representatives attended all of the meetings. The objective of the work group was to reach an overall consensus agreement regarding commercial fishing activities in the park that could be reflected in either regulation or legislation. Considerable progress was made by the work group, under the State's leadership and in a good faith effort by all involved, to address a number of substantive and difficult issues. The group was unable to achieve a consensus agreement at conclusion of its last meeting in June 1998 and collectively agreed to a final effort toward the goal of consensus in October and November--after the close of the summer fishing season. However, action on the part of Congress--by introducing the issue of commercial fishing into the legislative arena and passing the Act in October--interceded and resolved many issues considered by the work group. Notes from each of the State's work group meetings are included in the administrative record of this rulemaking.

The 1998 Environmental Assessment

In April 1998, NPS released a comprehensive Commercial Fishing

Environmental Assessment in support of the 1997 proposed rule for Glacier Bay. The EA described the proposed action (the 1997 proposed rule) and four other alternatives for managing commercial fishing activities in the marine waters of the park. Collectively, the EA's five alternatives described a broad range of potential strategies for managing commercial fishing activities in the nonwilderness marine waters of the park. Alternative One described the 1997 proposed rule. Alternative Two was considered the no action alternative because it would implement existing NPS regulations; this alternative described immediate closure of the park to all commercial fisheries. Alternative Three emphasized use of scientific information to protect resident and sensitive fisheries, while allowing harvest of more transitory species moving in and out of the park. Alternative Four described continuation of commercial fishing throughout the park, consistent with sustainability and habitat protection. Finally, Alternative Five described the 1991 proposed rule's seven-year phase-out of all commercial fisheries. Marine wilderness waters in the park were closed to commercial fishing under each of the alternatives, reflecting the Wilderness Act's prohibition on commercial fishing in wilderness waters, and the federal district and appellate court decisions.

Following publication and distribution of the EA in April 1998, NPS held seven public hearings and seven open houses during May in six Southeast Alaska communities (Elfin Cove, Gustavus, Hoonah, Juneau, Pelican, and Sitka) and in Seattle to solicit comment on the EA and proposed rule. On June 1, 1998, NPS extended the public comment deadline for the EA and proposed rule to

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November 15, 1998 (63 FR 30162). NPS held additional informal public meetings in Wrangell and Petersburg during September 1998 following requests from residents of those communities.

The FY1999 Omnibus Supplemental Appropriations Act and Amendment

The Omnibus Consolidated and Emergency Supplemental Appropriations Act for FY 1999 (Public Law 105-277, 112 Stat. 2681) ('`the Act''), was passed by Congress and signed into law on October 21, 1998. Section 123 of the Act contained a variety of specific statutory requirements for the management or phase out of commercial fishing in the marine waters of Glacier Bay National Park. Section 123 of the Act contained the following provisions:

The Secretary of the Interior was directed to cooperate with the State of Alaska in the development of a management plan for the regulation of commercial fisheries in Glacier Bay National Park pursuant to existing state and federal statutes and any applicable international conservation and management treaties. This management plan is to provide for the continuation of commercial fishing in the marine waters within Glacier Bay National Park outside of Glacier Bay Proper, and in the marine waters within Glacier Bay Proper as

specified in paragraphs (a)(2) through (a)(5) of section 123. The management plan is also to provide for the protection of park values and purposes, prohibit any new or expanded fisheries, and provide for the opportunity for the study of marine resources.

Section 123 limits commercial fisheries within Glacier Bay proper to ring or pot fishing for Tanner crab, longlining for halibut and trolling for salmon. That section limits participation in these commercial fisheries to the lifetimes of individual fishermen with a qualifying history, but notes that the qualifying criteria are to be determined by the Secretary of the Interior. Certain inlets or areas of inlets of Glacier Bay proper were closed immediately to all commercial fishing, or were limited to winter season king salmon trolling by qualifying fishermen. Section 123 also restated the statutory prohibition on commercial fishing within the park's designated wilderness areas. Last, Section 123 authorized compensation for qualifying Dungeness crab fishermen who had fished in designated wilderness waters of the Beardslee Islands and Dundas Bay.

The congressional managers of this legislation suggested NPS `` extend the public comment period on the pending regulations (62 FR 18547, April 16, 1997) until January 15, 1999, modify the draft regulations to conform to [section 123's] language and publish the changes in the final regulations.'' See H.R.4328 Conf. Rep. No.105-825, p.1213. Subsequently, the public comment period on the 1997 proposed rule and 1998 EA was reopened and extended until February 1, 1999 (63 FR 68666, December 11, 1998; 64 FR 1573, January 11, 1999). The 1,400 persons who had provided comment by December 1998 were mailed a copy of the Federal Register extension and invited to provide additional public comment in light of the new legislation. A second Federal Register notice (63 FR 68668, December 11, 1998) describing application procedures for the Dungeness crab commercial fishery compensation program authorized by the Act was published and distributed concurrently with the extension of the public comment deadline.

On May 21, 1999 new legislation passed by Congress amending section 123 of the Act was signed into law. This legislation, section 501 of the 1999 Emergency Supplemental Appropriations Act (Pub. L. 106-31), modified the Dungeness crab fishery compensation program and created a new compensation program for fishermen, processors, crewmembers, communities and others adversely affected by restrictions on commercial fishing activities in the park. Twenty-six million dollars were appropriated for compensation programs under section 501; this is in addition to \$5,000,000 in compensation Congress had previously appropriated for qualifying Dungeness crab fishermen under section 123 of the 1998 Act. Section 501 also established delayed implementation dates for the non-wilderness closures in Glacier Bay proper relative

to ongoing halibut and salmon commercial fisheries in 1999. Finally, section 501 required the Secretary of the Interior to publish this rule, provide a forty-five day public comment period, and then publish a final rule no later than September 30, 1999. The prohibition on commercial fishing in designated wilderness was not affected by the amendments found in section 501.

This rule implements the requirements of section 123, as amended, and establishes eligibility requirements and application procedures for qualifying fishermen to obtain a special use permit for lifetime access to the three commercial fisheries authorized to continue in Glacier Bay proper. Many ideas described in the 1997 proposed rule and the other four alternatives in the 1998 EA were resolved by the section 123 of the Act. Simultaneously with the publication of this rule, NPS intends to accelerate and expand its collaboration with the State of Alaska to develop a fisheries management plan for the park as contemplated by section 123 of the Act.

Analysis of Public Comments

Comment Period

This rule reflects an extensive and lengthy public involvement process that began with the publication of the 1997 proposed rule on April 16, 1997 and ended with the close of the public comment period on the proposed rule and 1998 EA on February 1, 1999. The comment period for the proposed rule was extended four times and the comment period for the EA was extended three times over the course of twenty-one months to insure adequate opportunities for public involvement.

NPS held seven public hearings during the month of May in the previously noted communities. Each public hearing was preceded by a two-hour open house question and answer period. NPS also established an

Internet website that allowed the public to access information regarding the proposed rule and the EA, and provide public comment.

The NPS recorded testimony at public hearings from 66 individuals and received 1,557 written public comments. Written comments included surface mail, faxes and electronic mail. NPS staff read all written public comments, reviewed the transcripts of public hearings, and prepared a summary document of substantive comments.

Overview of Public Comment

The majority (75%) of the 66 individuals testifying at the public hearings (6 hearings were held in Southeast Alaskan communities and 1 in Seattle) supported the continuation of commercial fishing in Glacier Bay National Park. The remaining individuals commenting at public hearings supported some form of commercial fishing phase-out. Slightly

more than one-third (570) of the written comments indicated support for the NPS's preferred alternative and/or the proposed regulations. A few (25) commenters simply urged NPS to support a fair process to end commercial fishing. One hundred thirty-four individuals supported the preferred alternative and proposed regulations with a shorter phase-out period and 72 individuals wrote in support of a general, non-specific phase-out of

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commercial fishing in park waters. A few individuals (14) supported Alternative Five that reflects the 1991 proposed regulations. Many comments were received (136) supporting Alternative Two that would close all fisheries immediately. Eleven percent (177 individuals) of commenters wrote letters that did not identify support for a particular alternative, but expressed general opposition to commercial fishing. Comments that supported reducing or eliminating commercial fishing in park waters indicated that commercial resource extraction is inappropriate in a National Park and expressed concern about potential impacts to the park's unique marine ecosystem and visitor experiences. Many noted that park waters should be managed for scientific study and public enjoyment.

Ninety-seven individuals signed a petition supporting ongoing commercial fishing in park waters. An additional 432 individuals (28%) signed form letters and 132 commenters wrote general letters of support for ongoing commercial fishing. Commenters supporting ongoing commercial fisheries indicated that the fisheries were currently well managed by the State and were not negatively affecting park resources or visitors. Most commenters supporting commercial fishing stated that fishery closures would severely impact fishermen, their families, and local communities in Southeast Alaska.

NPS Response: Congress passed the Act in October 1998, toward the end of what had already been an extended public involvement and comment period on the 1997 proposed rule and 1998 EA. Congress, in passing the Act, resolved a number of issues that had previously been presented for public comment. The new law contained comprehensive statutory requirements regarding management of commercial fisheries in the marine waters of the park. Congress further expanded and clarified the law in the amendment passed on May 21, 1999. This rule largely implements the requirements of the Act, as amended. All public comments have been analyzed, but many of them have been overridden by the enactment of legislation.

General Comments

Numerous commenters expressed surprise that commercial fishing had

been occurring in Glacier Bay National Park; most of these individuals indicated that they believed commercial fishing was inappropriate and/or incompatible with the NPS mission as defined in the Organic Act. Many individuals noted that National Parks were ``special places'' where activities should be managed differently than elsewhere. Several commenters noted that commercial ventures of any kind are inappropriate

in national parks and several mentioned that National Parks and the resources contained therein belong to all Americans and should not be harvested for private profit. Several commenters noted that most Alaskan waters were open to commercial fishing and recommended that Glacier Bay be set aside as one small closed area. Many commenters indicated that NPS should not allow commercial fishing until there was incontrovertible evidence that such activities would not harm park resources.

On the other hand, NPS received many comments noting that commercial fishing had occurred for more than 100 years in park waters with no evidence of resource or visitor impacts. Several individuals noted that commercial fishing is allowed in other National Parks, so it could be allowed in Glacier Bay. Many individuals felt that other activities taking place in Glacier Bay including cruise ship traffic likely resulted in far more impact than commercial fishing.

Jurisdiction

The State, the Alaska Trollers Association (ATA), the Citizens Advisory Commission on Federal Areas (CACFA), Petersburg Vessel Owners Association (PVOA), and others said that the State rather than NPS holds jurisdiction over the marine waters of Glacier Bay. The State offered that the Submerged Lands Act, the Alaska Statehood Act and the Alaska Constitution all indicated that the State ``owns and therefore manages all water columns, shorelands, tidelands, and submerged lands, including the resources located within or on such lands and waters.'' They further noted, however, that ``the Act overcomes some of our jurisdictional concern'' because it clarifies that NPS may act as provided in the legislation as long as they work directly with the State to address issues.

NPS Response: We acknowledge a legal disagreement with the State of Alaska and others who share the State's view over issues of ownership and jurisdiction with respect to the marine waters of the park. The establishment of Glacier Bay National Monument in 1925, and its 1939 expansion to include the current marine boundaries, predate Alaska statehood by decades. Congress has recognized the park's marine boundaries and waters--and described the Secretary of the Interior's authority and responsibility to manage these marine waters for the purposes of the park--in several federal laws, the most recent example being passage of section 123 of the Act, as amended. Court cases on similar jurisdictional issues in Alaska and elsewhere clearly support the federal view. Importantly, this is the only national park area in Alaska that includes marine waters, and it is the largest marine area included in our National Park System.

We concur with the State of Alaska's conclusion in its comments that the 1998 Act, as amended, should serve to resolve or redress many of the jurisdictional concerns and issues between the federal government and State of Alaska. The Act outlines appropriate roles and authorities for both the federal government and state with respect to management of commercial fisheries in the park. It provides both a requirement and an important opportunity for ongoing cooperation and collaboration between the state and federal government in the implementation of a jointly developed fisheries management plan. We will strive, working together with the State, to provide public opportunity to participate in the development of the fisheries management plan independent of this rulemaking. We believe that the best long-term remedy for jurisdictional issues is an effective state/federal cooperative relationship that outlines and respects individual and collective agency roles and responsibilities, keeps lines of communication open, incorporates opportunities for public involvement in decision making processes, and, ultimately, serves to implement the letter and spirit of the Act, as amended. This is where we intend to devote our energies.

Economic Issues

Many commenters--both those in support of and opposed to ongoing commercial fisheries in Glacier Bay--expressed concern that fishery closures would severely affect numerous individuals and communities. Commenters stated that commercial fishing is the largest employer in Southeast Alaska, that most private sector income in Southeast is derived from the seafood industry, and that the value of fisheries trickles throughout Southeast Alaska and the State. Many commenters mentioned that local fishing villages owe their existence to commercial fishing and depend on raw fish taxes. Commenters opposed to ongoing commercial fishing often cited their concern regarding economic impacts as a reason for recommending a gradual phase-out of commercial fishing. These individuals felt that a

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phase-out would allow individuals and communities a transition period, thus reducing economic impacts.

Several commenters said that previous actions or issues were already negatively impacting fishermen's economics (including the IFQ program, low prices for halibut and salmon, state closures of fisheries) and expressed concern that Glacier Bay closures represented an additional economic burden. Many commenters stated that closures would affect not only permit holders but also deckhands, vessel owners, processors and other local business. Several commenters felt that closing Glacier Bay to commercial fishing would devalue fishing permits and IFQ shares.

NPS received numerous comments expressing concern for individual communities and/or businesses or individuals. For example, the cities of Petersburg, Wrangell, Coffman Cove and Pelican wrote comments stating that their communities would be severely impacted by fisheries closures. Individual commenters expressed concern that the community of Pelican could not survive if park waters were closed. One commenter recommended that NPS set up a Glacier Bay Economic Disaster Fund for communities such as Pelican that have a history of raw fish tax revenues from resources harvested in Glacier Bay.

NPS Response: We expect that the Act, as amended, and the ``grandfathering'' eligibility criteria described in this rule, will significantly reduce economic impacts to fishermen, communities, and others associated with the commercial fishing industry in Glacier Bay. Specifically, the Act authorizes existing commercial fisheries to continue in outer waters where well over 80% of the harvest from park waters occur: we support continuation of these locally important commercial fisheries. Additional harvest will continue in most of Glacier Bay proper during the life tenancy period of qualifying fishermen, supporting fishermen and communities for many years to come.

Only about 18% of the park's marine waters (wilderness and non-wilderness) will be immediately closed to commercial fishing pursuant to the closure schedules set forth in the Act, as amended; these closed

waters have historically accounted for less than 10% of total commercial harvest in the park. Within Southeast Alaska, Glacier Bay proper has historically accounted for only 2-4% of the commercial halibut harvest; approximately 7-12% of commercial Tanner crab harvest;

and an indeterminate, but presumably small percentage of the salmon harvest.

We expect that some portion of the revenue previously harvested in the closed areas of the park will be recovered in Icy Strait and/or other Southeast waters: this is particularly likely in the halibut fishery with its individual quota system and eight month fishing season. Some fishermen not meeting the ``grandfather'' eligibility criteria for Glacier Bay proper will be displaced. However, these fishermen presumably have not established a regular or sustained dependence on Glacier Bay fisheries and are already fishing and established elsewhere. Moreover, the various compensation packages outlined in the Act, as amended, should alleviate economic impacts to Dungeness crabbers who commercially fished in designated wilderness as well as others directly and substantially dependent upon various fisheries in Glacier Bay proper.

We recognize that wilderness water closures and eventual phase-out of commercial fishing in Glacier Bay proper--as required by Congress--will have an adverse effect on some individuals and communities. However, it is important to note, as several commenters stated, that other external factors including changes in state regulations, establishment of the IFQ system for halibut, and international market forces have also affected fisheries-related incomes in Southeast Alaska. For example, declining fish tax revenues in recent years in

small communities such as Hoonah and Pelican have not been the result of any commercial fishing changes within the park. Congress has appropriated a total of \$31,000,000 through the 1998 Act and its 1999 amendment to mitigate economic impacts to fishermen, crewmembers, processors, communities and others adversely affected by restrictions on commercial fishing within Glacier Bay.

The State and the ATA were concerned that NPS has not made economic information compiled by an NPS paid contractor available to the public or included it in the 1998 Environmental Assessment analysis.

NPS Response: Data used in the economic analysis presented in the 1998 EA as well as in the Regulatory Flexibility Analysis described below, came from landing information provided by the State of Alaska Commercial Fishery Entry Commission. We therefore believe that the data is readily available to the public at large. Moreover, by publishing this document as a rule with an additional 45-day public comment period, we will be providing the public with an additional opportunity to review and comment on the economic data associated with this rule.

Regulatory Flexibility Act

Many commenters including the Alaska State Legislature, ATA, PVOA, and the State felt that the certification of 'no significant economic impact' under the Regulatory Flexibility Act was unfounded, that NPS had inaccurately analyzed the effects of the proposed regulation on small business entities and communities, and that NPS should complete a regulatory flexibility analysis pursuant to the Regulatory Flexibility Act. The State believed that NPS certification of no significant impact was deficient because it did not include an adequate factual basis, did not provide any analysis to support the conclusion, and did not include public input on its assumption and conclusions. The State offered that the findings of this analysis must be made available for public review and comment before proceeding with a final rule.

NPS Response: NPS and the Department of Interior have responded to these comments by completing a Regulatory Flexibility Act analysis of different eligibility criteria under consideration for participation in the three Glacier Bay fisheries authorized by section 123(a)(2) of the Act. Congress, in passing the Act, as amended, resolved various issues about commercial fishing in the park and precluded most decisions by the Secretary of the Interior except the grandfather eligibility criteria. Accordingly, the Regulatory Flexibility Act analysis has focused only on these eligibility criteria. The analysis reviewed the effects of the Department's decision regarding eligibility criteria on the small businesses, organizations and communities in the Glacier Bay area. The analysis is summarized in this preamble.

Grandfather Eligibility Requirements for Continued Fishing in Glacier Bay Proper

NPS received numerous general comments that ongoing fisheries should be limited to those individuals with a ``history'' of fishing in Glacier Bay or ``dependent on'' Glacier Bay fisheries. The Wilderness Society and many individuals wrote in support of the proposed 6 of 10-year eligibility requirements and asked NPS not to relax this requirement. The Wilderness Society further stated that NPS bears the burden of proving that criteria selected will not result in resource impacts during the phase-out period. While NPS did not specify criteria, they offered that ``two days or several months of fishing in the Bay over a period of a

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decade should not be considered adequate for demonstrating historical dependence.'' A few individuals recommended stringent criteria including: only individuals who fished prior to 1990 should be allowed to continue, only individuals with a familial history of 100+ years of fishing should be allowed to continue, and only individuals older than 50 years should be allowed to continue. One commenter felt that fishing six years was not a serious enough commitment to be entitled to continue fishing.

Conversely, numerous other commenters recommended more liberal eligibility criteria. The State, ATA and numerous individuals supported criteria that would allow any individual holding a Commercial Entry Permit (including T series, B series, S05, S15, and K series permits) with a history of fishing the waters of Glacier Bay to continue. A few individuals supported criteria that would allow any fishermen with a permit for a fishery that occurs in the Bay to fish there. Several individuals suggested that NPS use fishermen's catch history (percentage of landings) from Glacier Bay rather than number of years as a base for eligibility criteria. Several commenters believed that NPS should use different criteria for different fisheries. One commenter recommended that 3 of 5 years be used to determine eligibility for the Tanner crab fishery because this fishery had only recently become commercially valuable. Several individuals commented that their children and grandchildren should be eligible to continue fishing. One commenter recommended that grandfather rights should be 100% transferable with no expiration date, but NPS should be able to buy this right as well as the associated limited entry permit.

Many commenters felt that stringent criteria (including the proposed 6/10 years) would be unfair and difficult to implement. Individuals stated that fishermen typically ``lumped'' fish landings on a fish ticket, reporting landing locations based on where they caught most fish on a given trip. In these cases, fish tickets would not necessarily reflect fishing effort in Glacier Bay. One commenter indicated that fish ticket information was frequently changed by the

processor and was therefore not accurate. Several individuals were concerned that the 6 of 10-year criteria would eliminate many young fishermen who often have very limited experience fishing elsewhere and large investments to support. A few individuals said that some fisheries were closed during the 10-year period being considered, so perhaps no fishermen could qualify for those fisheries. A few individuals felt that strict criteria would displace many fishermen out

of Glacier Bay proper, resulting in crowding in Icy Strait which could effect both commercial and recreational catch there. One commenter said

that stringent criteria would lower the number of fishermen qualifying resulting in a ``bonanza'' for remaining fishermen. One commenter stated that the proposed criteria would reward individuals who reported

landings for 2 permit holders on a given boat (typical when a crewmember wishes to qualify for an upcoming limited entry fishery and must report landings to do so).

Commenters indicated that lenient criteria would not increase fishing pressure on Glacier Bay because individual fishermen have typical fishing locations and would be unlikely to shift into the Bay if they had not fished there previously. One commenter felt that the number of permits reporting landings in the park had remained stable in

past years and would not be expected to increase in the future.

Many individuals stated that the criteria did not address the needs

of crewmembers or individuals that leased vessels to permit holders. A few individuals said that crew (in particular family members) invested considerable time in learning how to fish a particular location assuming they would ``inherit'' that location in the future. One commenter stated that he often obtained crew jobs because of his knowledge of Glacier Bay and noted that he would not have that opportunity if the fishing fleet were reduced. One commenter stated that he would not meet strict eligibility criteria because he had been leasing a permit. One commenter offered that other limited entry processes have considered the number of years as a crewmember, boat owner or gear owner in determining eligibility for a particular fishery.

A few commenters, including the Petersburg Vessel Owners Association, felt that NPS should determine how many fishermen and/or how much harvest was acceptable and then set criteria for eligibility rather than letting these numbers be a ``fallout'' from the criteria. One commenter recommended that NPS use ``good standing'', as a means of determining eligibility by allowing only those individuals whom had never been cited for resource or permit violations. Another commenter recommended that continued eligibility should depend on continued compliance with Glacier Bay and state regulations. The State commented that eligible fishermen should be able to continue using the vessel and crew of the permittee's choice.

NPS Response: Section 123(a)(2) of the Act authorizes the

Secretary

of the Interior to establish eligibility criteria to determine which fishermen will be issued a non-transferable lifetime access permit to continue to fish in those waters of Glacier Bay proper which were left open for grandfathered commercial fishing under the Act. The Secretary of the Interior has now selected eligibility criteria intended to allow

those fishermen with a sufficient reoccurring history of participation in the authorized Glacier Bay fisheries to continue fishing for their lifetimes. The 1997 NPS proposed regulations outlined criteria that would have permitted only those individuals who had fished 6 of the last 10 years in Glacier Bay proper to continue fishing. However, based

on public comment and the Regulatory Flexibility Analysis, we believe that the criteria described in the 1997 proposed rule would have adversely affected the economic well being of an unacceptably high number of fishermen as well as local communities.

This rule would allow continued access to Glacier Bay proper to those fishermen who have fished in Glacier Bay proper in one of the three authorized commercial fisheries as follows: For the halibut fishery, 2 years of participation would be required in Glacier Bay proper during the 7-year period, 1992-1998. For the salmon and Tanner crab fisheries, 3 years of participation would be required in Glacier Bay proper during the 10-year period, 1989-1998. The 7-year qualifying period--as further explained below--for halibut is based, in large part, on the establishment of a unique statistical sub-area for Glacier

Bay proper in 1992. Use of this qualifying period will assist fishermen

in documenting a history of fishing within Glacier Bay proper. A 10-year qualifying period is used for the Tanner crab and salmon fisheries. These longer qualifying periods (of 7 and 10 years, respectively) are intended to provide a better opportunity for fishermen with a variable but reoccurring history of participation in these fisheries in Glacier Bay proper to qualify for the lifetime access permits. Essentially, these criteria require fishermen to have fished in Glacier Bay proper for approximately 30% of the years during the 7 and 10-year base periods to qualify for continued lifetime access

to an authorized fishery. We believe that these criteria reflect a reasonable and balanced approach on appropriate eligibility criteria for lifetime access to the authorized Glacier Bay proper commercial fisheries.

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A base period of less than 7 to 10-years was considered too short in duration and would not, at least in the case of the Pacific halibut fishery, allow for recent and dynamic changes in the character of the fisheries. We did not consider longer qualifying periods because participation in the three authorized fisheries has only recently stabilized. These fisheries have all become limited entry fisheries in recent times; fewer permit transfers have occurred in recent years.

Recent permit holders are most likely to still be fishing and have a current economic reliance on a Glacier Bay proper fishery.

The 2 out of 7-year criteria for the Pacific halibut fishery takes into consideration a recent change in statistical area configuration--the 1992 creation of a separate regulatory sub-area (184) specific to Glacier Bay proper--and allows fishermen to more accurately document their participation in the fishery within Glacier Bay. Before 1992, Glacier Bay was part of regulatory area 182, a larger reporting area combined with Icy Strait. Therefore, it would be difficult for fishermen to document commercial halibut harvest from Glacier Bay proper prior to 1992. This 7-year qualifying period accommodates changes in the commercial halibut fishery since 1995 when it became a limited entry fishery and the entire nature of the fishery changed with prolonged seasons and Individual Fishing Quotas.

The 3 out of 10-year criteria for the Tanner crab fishery accommodates the recent increase in participation in this fishery within Glacier Bay proper from fewer than 10 vessels per year from 1984-1989, to 14-25 vessels per year since 1991. The Tanner crab pot fishery became a limited entry fishery during the latter part of the 1980s.

The troll fishery for salmon in Glacier Bay proper is almost exclusively focused on king salmon during the winter commercial fishing season. Because there is no way to separate out Glacier Bay proper harvest from that occurring elsewhere within District 114, we will consider salmon landing reports from District 114 as indirect evidence of participation in the fishery within Glacier Bay proper, provided it is supported by additional corroborating documentation in making application for a lifetime access to the salmon troll fishery in Glacier Bay proper.

The qualifying periods described in this rule are considerably longer than those typically used by the State of Alaska when establishing a limited entry fishery. For example, the Alaska Commercial Fisheries Entry Commission used preceding 5-year periods in recently establishing limited entry permit fisheries in Southeast Alaska for Dungeness crab and pot fished shrimp. Under Alaska State law, applicants for these limited entry fisheries were ranked and awarded permits according to their participation and economic dependence on the fisheries over the 5-year qualifying period. We decided in favor of longer qualifying periods in interest of minimizing economic impacts to fishermen who have participated in the authorized fisheries in Glacier Bay proper. However, like the State of Alaska, we would require recent and multiple years of participation in a given fishery. We do not believe that a single occurrence of commercial fishing within Glacier Bay proper over the past 7 or 10-years demonstrates a sufficient sustained dependency on those park waters to warrant grandfathering such fishermen in for lifetime permits.

A special use permit will be required to participate in any of the three Glacier Bay fisheries beginning in calendar year 2000. The procedures for applying for and obtaining a special use permit, as well

as the eligibility criteria, are described in this rule. Fishermen meeting the eligibility criteria may apply for a special use permit so long as they hold a valid permit for the fishery. The special use permit will be renewed on a 5-year cycle for the life time of each fisherman who continues to hold the necessary license for a Glacier Bay fishery, and is otherwise eligible to participate in the fishery. The special use permits are non-transferable under the Act. However, NPS may consider an emergency transfer of a permit in the event of temporary illness or disability, as otherwise authorized by the Commercial Fisheries Entry Commission. These are hardships of an unexpected and unforeseen nature, and a permit transfer would be limited to 1-year in duration.

The Act is specific to permit holders and does not provide for individuals who own and lease vessels to Glacier Bay fishermen, or for crewmembers. While these individuals do not qualify, under the law, to receive a special use permit to fish in Glacier Bay, nothing in the Act affects the ability of a special use permit holder to continue to lease the vessel or hire the crew of their choice.

Documentation of Eligibility

Many commenters felt that fishermen should supply ``evidence'' or ``definite proof'' of fishing history, but only a few commenters addressed specifically what NPS should accept in terms of documentation of fishing history. One commenter indicated that the documentation process discussed in the proposed rule was ``too easy.'' Another commenter indicated that evidence of historic fishing should include official ADFG landing tickets, ATA logbook data, ship's log data and a valid ADFG license. A few commenters, including the State, indicated that an affidavit of catch history should be sufficient. The State also recommended that NPS design a validity review and appeals program consistent with due process. Several individuals were concerned that documenting past fishing effort in Glacier Bay would be quite difficult because ADFG statistical areas do not match park boundaries and because fish tickets reflect only the area where the majority of a landing was harvested. ATA and the State felt that requiring documentation beyond an affidavit would be time consuming and expensive for both agencies and fishermen and would reduce the number of eligible fishermen.

NPS Response: The Act requires individuals to establish their eligibility to participate in one or more of the three authorized Glacier Bay commercial fisheries. This rule would require that an individual hold a valid commercial fishing permit for the fishery in Glacier Bay, provide a sworn and notarized affidavit attesting to their history and participation in the fishery within Glacier Bay proper, and

provide other available documentation that would assist in corroborating their participation in the fishery in Glacier Bay during qualifying years. We are requiring applicants to provide two types of corroborating documentation readily available from the State of Alaska:

permit histories and landing reports. The permit history documents an individual's years as a permit holder in a fishery, and the landing report documents years and reported harvest locations for fishery landings by an individual. This required corroborating documentation--copy of a valid permit or license, affidavit, permit history, landing report--is less than that typically required by the State of Alaska or National Marine Fisheries Service (halibut) for similar limited entry programs. We encourage any other forms of corroborating documentation--for example, vessel logbook data or affidavits from other fishermen or processors--that can assist in establishing an applicant's history of participation in the fishery.

We recognize the limitations of landing report data based on fish tickets. Although Alaska statute requires accurate reporting of fish harvest information by statistical area,

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fishermen often lump catches from Glacier Bay and Icy Strait statistical areas, reporting them as Icy Strait landings on fish tickets. Moreover, no statistical reporting area exists specific to Glacier Bay for salmon. Because of this, for the salmon fishery we will

consider landing reports from District 114--along with other corroborating documentation (this could be affidavits from crewmembers,

other fishermen, processors, log books, etc) provided--as indirect evidence of participation in the fishery in Glacier Bay proper.

Because

both the halibut fishery (regulatory subarea 184) and the Tanner crab fishery (statistical areas 114-70--114-77) do have reporting areas specific to Glacier Bay, we intend to require some form of additional corroborating documentation beyond the personal affidavit (see suggestions above for the salmon fishery) where landing data for these fisheries are inconclusive. In any event, landing reports must be from the reporting area immediately adjacent to Glacier Bay before they will

be considered. In the case of halibut, this is regulatory subarea 182; in the case of Tanner crab, this is statistical area 114-23. These approaches are intended to address concerns regarding the difficulty of

attributing harvest to Glacier Bay proper from landing reports, most particularly for the salmon troll fishery.

We intend to work closely with the Alaska Commercial Fisheries Entry Commission, the National Marine Fisheries Service and other knowledgeable sources to notify and identify permit owners who meet the eligibility criteria defined for the Glacier Bay commercial fisheries.

Management Process for Ongoing Fisheries

The State, the CACFA, the Alaska State Chamber of Commerce, the PVOA, the ATA and others requested that NPS clarify particular aspects of the Act. In particular, commenters asked NPS to clarify that ongoing fisheries would be managed by ADFG through the Alaska Board of Fisheries process. They asked for further clarification that NPS's role in joint management would be to contribute expertise in defining and protecting park purposes and values. The State requested that NPS develop specific criteria for the Secretary to use in recommending actions associated with ongoing fisheries. The State also suggested that subsequent rulemaking recognize the authority of the International Halibut Commission, National Marine Fisheries Service, North Pacific Fisheries Management Council, and the Salmon treaty with Canada in managing ongoing fisheries.

The State indicated that an existing Master Memorandum of Understanding between NPS and ADFG commits the NPS ``to utilize the State's regulatory process to the maximum extent allowed by federal law in developing new or modifying existing federal regulations or proposing changes in existing state regulations governing or affecting the taking of fish and wildlife on Service lands in Alaska'' and requested that NPS reference this MMOU in subsequent rulemaking. They further requested that a written finding be prepared if state regulations appear to conflict with federal law.

NPS Response: The scope and nature of the cooperative fisheries management program for Glacier Bay is beyond the subject matter of this rulemaking. Nevertheless, a few brief comments on the NPS/State cooperatively developed management program are in order. We have already begun collaborative discussions with the State of Alaska regarding the fisheries management program authorized under section 123(a)(1) of the Act. We recognize the fisheries management expertise of the State and the effectiveness of the established regulatory and public involvement process of the Alaska Board of Fisheries. We believe that the spirit and intent of the Act--indeed, its balance--envisions a cooperatively developed fisheries management plan and process that is respectful of and maintains the state and federal governments' traditional management roles. We expect the State to continue its role in the day to day management of the authorized commercial fisheries in the park, and that any changes to state managed fisheries will be implemented through the Alaska Board of Fisheries. We support the State's role and regulatory processes. We view the fisheries management plan as the primary vehicle for interagency and public agreement on fisheries management and research objectives in the park. As the planning and management processes are now envisioned, the State would contribute expertise in management of commercial fisheries and NPS

will

contribute expertise in park management, purposes and values. State and federal agencies, along with input from interested parties, could jointly develop appropriate marine research and assessment programs to improve understanding and management of park fisheries and the marine environment. Ultimately, the Secretary retains the authority and responsibility to protect park resources and values, especially with regards to new or expanded fisheries. Halibut fisheries in the park are managed by the International Pacific Halibut Commission under international treaty and may require separate cooperative planning and research efforts.

Cooperative Development of Fisheries Management Plan

Many commenters supported the cooperative development of a fisheries management plan. The Wilderness Society requested that NPS prepare an EIS as part of this planning process and ensure that the plan was in compliance with ANILCA and other applicable laws and compatible with park values and purposes. NPCA and numerous other commenters expressed general support for the joint management concept; NPCA recommended that the plan be produced with public involvement and suggested that an advisory committee representing various stakeholders guide the process. The State and others stated that ``cooperative development of a management plan'' was not synonymous with cooperative management. These commenters reiterated that ongoing fisheries should be managed using the existing state process rather than a cumbersome ``dual management'' process implied by co-management.

One commenter felt that joint management would be difficult because NPS and ADFG biologists would not have similar escapement goals and might disagree about research needed. One commenter suggested that NPS fund an ADFG position because managing Glacier Bay fisheries would be expensive and it is unfair to use license fees for this management. The

State requested that subsequent rulemaking clarify that the Alaska-specific provisions under 36 CFR part 13 and 43 CFR part 36 supercede the closure provisions in 36 CFR part 2.

NPS Response: We will work with the State of Alaska in developing a fisheries management plan for the park. The plan must be consistent with the requirements of the Act and all other applicable federal and state laws. We expect the State and NPS will continue their respective management roles, and do not foresee a duplicative management structure.

Our general goals in the development of the fisheries management plan are to insure that fisheries subject to harvest are prudently managed, and that park areas and fish populations not subject to commercial harvest are protected. We will also work to insure that ongoing fisheries are managed in context with the park's purposes and values. And we will work to optimize opportunities for research and monitoring programs that

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can improve understanding, management and conservation of fisheries and the marine system.

We acknowledge the potential merits of creating an advisory committee comprised of a balanced representation of local, state and national interests that could assist in development of a fisheries management plan. The concept of an advisory committee warrants further discussion with the State, but is beyond the scope of this rule.

Additional Closures

Numerous commenters, including the Sierra Club recommended that commercial fishing be phased out of the park's outer fjords including the non-wilderness portion of Dundas Bay and the complex of small fjords from Cape Spencer to Lituya Bay. The State, the CACFA, the Alaska State Chamber of Commerce, the PVOA, and the ATA believe that the Act did not authorize any additional seasonal or area restrictions or closures including the closures of Lituya and Dundas bays or the closure of areas for research projects.

NPS Response: This rule does not implement any additional closures or address restrictions on commercial fisheries beyond those imposed by Congress in passing the Act, as amended. We do not anticipate any additional closures or restrictions specific to commercial fishing in the outer waters of the park (outside Glacier Bay proper) at this point unless those restrictions or closures emerged through the normal course of events in the State's fisheries management administrative process.

15-Year Review for Outer Waters

Several commenters stated that the Act did not allow for a 15-year review of outer water fisheries and requested that this language be omitted from future rulemaking language.

NPS Response: We agree that the Act does not provide for a 15-year review of outer water fisheries. We do expect that ongoing fisheries will be routinely reviewed to determine whether fisheries management objectives are being met. This routine review should serve to resolve any issues or concerns that arise regarding the fisheries. Reference to a 15-year review, therefore, has been deleted from this rule.

New or Expanding Fisheries

A few commenters including the ATA expressed concern about NPS's definition of ``new or expanding fisheries.'' Commenters felt that fisheries that have been closed for conservation reasons should not be considered ``expanding fisheries'' if they could be sustained in the future. ATA also indicated that this definition must not limit the

number of boats or harvest levels permitted in a given area. One commenter offered that this definition must not include increased troll effort as it is unclear what past troll effort has been. The City of Pelican commented that recent changes in the groundfish fishery might result in reallocation or expansion of this fishery in Southeast Alaska and indicated that this quota should be allowed to be harvested. The State recommended that NPS avoid defining key fishery management guidelines in subsequent rulemaking such as the prohibition on ``new or expanded fisheries'' prior to working with the State. The State and ATA indicated that new and expanded fisheries are already limited under existing mechanisms and that NPS should defer to the Alaska Board of Fisheries ``Management Plan for High Impact Expanding Fisheries.''

NPS Response: Issues associated with the prohibition in the Act on ``any new or expanded fisheries'' are largely beyond the scope of this rule and will be addressed in the State/Federal park fisheries management plan to be collaboratively developed with public input.

Commercially Viable Fisheries

ATA and the State objected to NPS's use of the term ``commercially viable'' for determining which fisheries would continue in park waters and requested that future rulemaking omit reference to continuation of these fisheries. ATA indicated that even small, seemingly unprofitable fisheries might be important to individuals who rely on diversification in several fisheries.

NPS Response: These issues are beyond the scope of this rule and will be addressed in the subsequent State/Federal fisheries management plan for the park.

Permit and/or License Requirements

ATA and the State opposed any permit or license system for ongoing fisheries in outer waters beyond those already implemented by the State, NMFS, or IPHC.

NPS Response: We do not intend to implement a permit requirement for participation in commercial fisheries outside Glacier Bay, nor is one described in this rule. We do recognize a general need to obtain better harvest and effort data for fisheries in the park, but believe that there are other actions that should be fully explored in cooperation with fishermen and the State to obtain this data.

Procedure

Public Hearings

Commenters raised several procedural concerns. Several commenters at public hearings felt that the hearings were not well advertised and that they took place during the commercial fishing season, which

limited participation by fishermen. These individuals recommended that NPS hold additional public hearings in the fall. One commenter stated that the release of the EA and the hearing schedule conflicted with fishing season and would reduce the number of fishermen able to attend hearings and/or comment in writing.

Two commenters requested in writing that additional public hearings be held in Port Alexander, Angoon, Petersburg, Wrangell, Craig and Ketchikan. Several individuals phoned in requests for public hearings in Wrangell and Petersburg.

NPS Response: We advertised the local hearings extensively via news releases, public announcements on local radio stations, and flyers posted in local communities. Attendance at the seven hearings and two informal public information meetings was typical of, or greater than, attendance at most NPS hearings. Importantly, because of the many recent public workshops and working group meetings coordinated by the State and NPS, much local attention focused on this issue. We believe that most individuals in Southeast communities were aware that proposed regulations regarding commercial fishing had been published. The public comment period was repeatedly extended over the course of twenty-one months and provided significant opportunities for public input.

We scheduled and held public hearings in 6 Southeast Alaskan communities and Seattle and held informal public information meetings upon request in Petersburg and Wrangell. NPS staff heard testimony at the formal hearings from 66 individuals and heard informal comments from many more individuals during informal open houses in these communities as well as at informal public meetings in Petersburg and Wrangell. NPS also received, and reviewed 1,557 written comments that expressed diverse views regarding the commercial fishing issue. We believe that this extensive public input is representative of the various interests and views regarding the issue of commercial fishing in the park.

Rulemaking and NEPA Process

Many commenters including the State, the Southeast Conference, the State Chamber of Commerce, the Pacific

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States Marine Fisheries Commission, The CACFA, the State Legislature, Representative Gail Phillips, and the cities of Petersburg and Pelican, requested that NPS terminate the rulemaking effort and reissue a proposed rule that reflected the changes rendered by the Act and clarifies how NPS intends to proceed with implementation of the Act. The CACFA felt that NPS has a responsibility under the Administrative Procedures Act to first publish a proposed regulation and provide the public the opportunity to comment. The CACFA also felt that the 60-day extension period for public comment was ineffective because it took 51

days from the date the Act was signed until NPS issued the notice to reopen the comment period.

NPS Response: Prior to Congress passing the Act in October 1998, the NPS public comment deadline on the EA and proposed rule was scheduled to run until November 15, 1998. Upon passage of the Act, the congressional managers of the legislation directed the NPS to ``extend the public comment period on the pending regulations until January 15, 1999, modify the draft regulations to conform to [the Act's] language and publish the changes in the final regulations.'' Accordingly, we extended the public comment period until February 1 and mailed notice to the 1,400 individuals who had provided comment by December 1998. We responded by letter in December and January to the State of Alaska and the several others who requested a new rulemaking process following passage of the Act. These responses articulated yet other reasons why we were not then pursuing a new proposed rule to implement the Act, including the view that the Act was within the range of actions addressed and analyzed in the EA, and a concern about negating the efforts and ideas of the many individuals who had provided public comment to date.

Notwithstanding the above history, after the close of the public comment period on February 1, 1999, Congress again enacted further directions and clarification language for management of commercial fishing activities within Glacier Bay National Park (section 501 of Pub. L. 106-31, May 21, 1999). Section 501 amended the October 1998 Act

and required the Secretary of the Interior to publish an interim final rule without an effective date and a forty-five day public comment period. This rule responds to congressional requirements and the requests from the State of Alaska, fishermen, the Small Business Administration, and others for a new rule describing the Act, as amended. It also provides a Regulatory Flexibility Act analysis of eligibility criteria for the Glacier Bay lifetime access permits. We welcome additional public comments on all aspects of this rule.

These commenters also felt that the EA should be redrafted because it does not reflect the current statutory regime, is based on the previously proposed rule, and does not accurately analyze the environmental and socio-economic effects of the alternatives. One commenter believed that the impacts of the Act were not covered in the EA. Moreover, these commenters suggested that the redrafted document should be prepared as a full Environmental Impact Statement (EIS).

NPS Response: The Council on Environmental Quality regulations, which describe requirements for implementing the National Environmental

Policy Act (40 CFR Parts 1500-1508), indicate that a federal agency will determine whether an EIS must initially be prepared based on agency-specific supplemental procedures. NPS staff reviewed agency-specific procedures and determined that an EIS was not initially required, as the effects of the proposed alternatives were not known to

result in significant impacts upon the quality of the human environment. As a result, we proceeded with the preparation of an Environmental Assessment (EA). Had the EA analysis determined that the proposed action would result in a significant effect, a full EIS would

have been prepared.

Because the published EA included a broad range of alternatives, including an alternative in which all fisheries would continue and an alternative in which no fisheries would continue, the agency has essentially reviewed and displayed the effects of the full range of eligibility criteria. Any decisions regarding eligibility requirements were fully analyzed and are within the scope of the existing Environmental Assessment. We have developed an errata sheet to amend the EA based on past public comment and solicit public comment on the errata sheet as well as on the rule.

Several commenters noted that the proposed rule and the EA falsely outlined the required ``No Action'' alternative as immediate closure of all fisheries.

NPS Response: We recognize that the designation of the No Action alternative as an alternative that involved immediate closure of all park waters to fishing was confusing to the public because No Action alternatives typically reflect the status quo, which--from a fisherman's viewpoint--would be the continuation of commercial fishing throughout the park's marine waters. However, the No Action alternative--required in all EA or EIS processes--actually requires description and analysis of what would occur under the existing ``status quo'' of federal laws and regulations. This meant that the ``No Action'' alternative--given the existing NPS general regulatory prohibition on commercial fishing in the park and the statutory prohibition on commercial fishing in designated wilderness areas--actually described closure of all of the park's marine waters to commercial fishing. In any event, Congress has now twice enacted legislation since the original EA was prepared which further clarified the status of various fisheries in Glacier Bay National Park as a matter of federal statutory law.

Resource Issues

Almost all comments received in support of reducing or eliminating commercial fishing in park waters cited natural resource concerns. Numerous commenters indicated that the NPS is charged with maintaining naturally functioning ecosystems and should not allow commercial fishing because the agency has not proven that such activities do not harm park values. Commenters felt that commercial fishing could result in depletion of fish stocks with concurrent food web effects that might impact other parts of the marine ecosystem. Several individuals commented that commercial fishing activities might alter natural population dynamics even if stocks remained healthy. Numerous individuals cited examples of the effects of overfishing elsewhere in the United States and expressed concern that overharvests could occur in Glacier Bay. A number of commenters indicated that NPS should not allow specific fisheries such as purse seining or scallop dredging. Other resource concerns expressed included potential bycatch effects, water pollution, marine mammal and gear entanglement, vessel-related impacts to the marine system, or impacts to specific species (harbor seals, sea otters, common murre, Kittlitz murrelet, glacier bear,

tufted puffin).

On the other hand, almost all comments received from individuals in support of ongoing fisheries indicated that there was no evidence that commercial fisheries resulted in long-term biological harm. These individuals stated that park fisheries have been sustained for over 100 years with no observable biological harm.

NPS Response: We acknowledge the State's expertise and experience in managing fisheries in Southeast Alaska, as well as the strong conservation ethic

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of Alaskan fishermen. The State is charged with managing fisheries to maintain sustainable yield. The NPS must manage its lands and waters in a manner that leaves all resources unimpaired. Both of these management approaches are embraced by the Act, as amended, which essentially allows commercial fisheries to continue under the management regime of the State in the outer waters of the park, while establishing a more protective fisheries management regime within Glacier Bay proper.

Many individuals felt that the resource impacts of other commercial ventures (i.e., cruise ships, other tourist operations) in Glacier Bay were likely far greater than commercial fishing impacts. A few individuals believed that logging and mining are precluded from National Parks because they do impact resources while commercial fishing does not.

NPS Response: We analyzed the potential effects of vessel traffic, both commercial and personal, in the 1996 Vessel Management Environmental Assessment and Plan. Based on this assessment, we outlined strict vessel quotas, defined vessel operating conditions, and developed mitigation measures designed to ensure that park resources are not impaired by vessel traffic. Importantly, the NPS has a dual mandate to protect park resources while providing visitors the opportunity to see and learn about parks. Vessel access is the primary means by which the public visits Glacier Bay National Park. In general, commercial ventures associated with providing visitor services--such as cruise ship and tour boat operations and kayak concessions in Glacier Bay--are permitted in national parks, while other commercial ventures--in particular, those that remove resources from park areas for profit--are deemed inappropriate.

Several commenters noted that most of the fish species harvested in Glacier Bay were migratory (salmon, halibut, lingcod) and consequently were not ``park resources''; a few commenters indicated that 98% of the salmon caught in Glacier Bay were hatchery raised fish and were not

park resources.

NPS Response: Salmon, halibut and lingcod have been documented to range widely and may move in and out of park waters throughout their life span. However, National Parks consider fish and wildlife species to be park resources during their period of residence within park boundaries and manage them as such, regardless of their place of origin

or primary area of residency. We do not believe that there are definitive research results available regarding the percentage of hatchery-raised fish using--or caught in--park waters. We have found no

data to verify the claim that 98% of salmon caught in Glacier Bay are hatchery-raised; this figure appears to be a misinterpretation of coded

wire tag data collected by ADFG. In any event, Congress has resolved the debate over whether salmon should be considered ``park resources'' by passing the Act, as amended, and assigning the Secretary of the Interior/NPS the responsibility of developing grandfather criteria for lifetime fishing permits in Glacier Bay proper and enforcing a winter king salmon trolling season as well.

Cultural Issues

Many commenters, both Native and non-Native, expressed concern about how the proposed regulations would affect Native fishing activities in park waters. Many commenters, including NPCA supported some form of ongoing Native fisheries including commercial, subsistence, and an undefined ``Native fishery.''' These individuals cited several reasons for supporting ongoing Native fishing including: it is a basic Native right; the Tlingit people have harvested fish with

limited impact to the environment; and it is important to preserve cultural traditions, maintain the economic viability of Native villages, and continue Native people's connection to resources.

Several commenters remarked that commercial fishing and subsistence activities were tightly linked for Native peoples. These individuals felt that reducing opportunities for commercial fishing would reduce subsistence products available in Tlingit households. One commenter noted that Tlingit traditional fishing is protected by treaty. One commenter indicated that wilderness water closures eliminated access to

waters traditionally used by the Hoonah hand-trolling fleet. A few individuals commented that they did not support ongoing Native fisheries because all people must learn to adapt to change. One commenter thought that fishery closures would protect the Tlingit homeland and therefore protect Native culture.

The State expressed concern that Tlingit historical activities are being ignored and that the residents of other local communities have a cultural and historical dependence upon the Glacier Bay area. They further indicated that NPS's intention with regard to the proposed cultural fishery is unclear.

NPS Response: This issue is generally beyond the scope of this

rulemaking which concerns implementation of congressional requirements for commercial fishing activities within the park and the development of appropriate criteria for lifetime nontransferable fishing permits for Glacier Bay proper. That said, we recognize that the Tlingit people

have fished the waters of Glacier Bay and Icy Strait for many generations and are intimately connected to both the fish resources and

the park itself. Similarly, for over a century, non-Native peoples of Southeast Alaska have come to rely on the waters of the park for sustenance. We recognize that the park represents more than just an economic resource for these groups--it is a place of cultural identity.

The Act provisions that authorize lifetime tenancy and continued fishing in outer waters will, to some extent, preserve both Native and non-Native cultural ties to most of Glacier Bay National Park.

Moreover, nothing in these regulations or the Act preclude fishermen from participating in other authorized activities including sport or personal use fisheries, or visiting and enjoying the park for other reasons.

We cannot legally provide differential commercial fishing opportunities for Natives and/or local peoples and The Alaska National Interest Lands Conservation Act (ANILCA) does not authorize Title VIII subsistence activities in Glacier Bay National Park.

However, we signed a Memorandum of Understanding with the Hoonah Indian Association (HIA), the federally recognized tribal government, in 1995 which commits NPS and HIA to work together on numerous issues of mutual concern regarding Glacier Bay National Park. We have initiated several ongoing projects and programs designed to maintain and strengthen Tlingit cultural ties to Glacier Bay and to perpetuate important cultural traditions. As part of this effort, we intend to pursue the development of a cultural fishery for the local Tlingit community in cooperation with the HIA and the State. This cultural fishery will allow the Tlingit people to maintain a cultural tradition established by their ancestors that they can pass on to future generations.

Visitor Issues

Many commenters expressed concern that commercial fishing activity, including vessel disturbance and potential ecosystem changes, could affect visitors' experience of Glacier Bay. Many of these individuals felt that commercial fishing vessels destroyed the solitude and serenity of park waters. Several past visitors cited specific instances of having been disturbed by commercial fishing vessels or gear.

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On the other hand, many individuals in support of commercial fishing indicated that park visitors enjoyed seeing and learning about commercial fishing. These commenters cited specific examples of

passengers on tour boats and cruise ships photographing commercial fishing vessels. Two kayak concessionaires in the park indicated that they had never received complaints from their clients about commercial fishing in park waters. Several commenters explained that many of the fisheries took place during a time period when few visitors were present (i.e., Tanner crab season in February) or in areas where few visitors were present (i.e., the outer coast). Several commenters felt that the presence of commercial fishing vessels enhanced visitor safety for boaters, kayakers, and airplane passengers. One commenter expressed concern that trolling activities were a navigational hazard, particularly in Glacier Bay. One commenter felt that commercial fishing was, in and of itself, a valid way to visit the park. Many commenters described their commercial fishing trips in Glacier Bay as an experience beyond simple economic gain.

NPS Response: We recognize that park visitor opinion on commercial fishing, as with most issues, differs. For some park visitors, seeing and learning about commercial fishing is an important part of their experience in Glacier Bay. Others wish to have park experiences less influenced by human contact. The Act, as amended, attempts to balance this spectrum of visitor interests by authorizing ongoing fisheries in the park's outer waters while designating certain areas--including five wilderness water areas, and in Glacier Bay proper, the upper west arm, the upper east arm, and Geikie Inlet--as closed to commercial fishing. Some of these areas are already closed to motorized traffic under the park's 1996 Vessel Management Plan regulations. Congress also set in motion a process for limiting and phasing out commercial fishing in the rest of Glacier Bay proper through the use of grandfathered nontransferable lifetime permits to qualified fishermen in the three authorized commercial fisheries. We believe that this mixture of closed and open areas will provide diverse visitor experience opportunities; we anticipate few if any new visitor concerns regarding commercial fishing in Glacier Bay under this rule.

Marine Reserve

Numerous individuals supported the concept of providing a marine reserve in Glacier Bay where commercial fishing would be prohibited. Over 200 scientists signed a petition called ``Protecting Marine Life in Glacier Bay National Park'' which called for the closure of all commercial fishing in Glacier Bay and the establishment of a marine reserve. The Center for Marine Conservation, the Marine Conservation Biology Institute and several individual commenters cited benefits of protected zones including: they may serve as refugia when regional fisheries management fails; they provide a naturally functioning ecosystem for scientific study; they conserve marine species; they enhance non-consumptive uses of the park; and they benefit commercial, recreation, and subsistence fishing outside protected area. One

commenter noted that Alaska has 150% more coastline than the rest of the United States, but only one small marine reserve. On the other hand, several commercial fishermen believed that the wilderness area closures would serve as adequate marine reserves. A few commenters indicated that there was little evidence that marine reserves were beneficial. One commenter indicated that outer coast waters were essentially ``no-take'' areas for much of the year as salmon trolling is limited to one week in July within one mile of shore.

NPS Response: This issue is beyond the scope of this rule which implements congressional requirements for commercial fishing activities

in the park and deals with criteria for nontransferable lifetime fishing permits for Glacier Bay proper. Nevertheless, we acknowledge that interest in no-take marine reserves is growing worldwide.

Researchers and managers note numerous benefits of areas where limited or no resource extraction takes place including: opportunities for research, preservation of marine species and naturally functioning ecosystems, preservation of biological and genetic diversity, enhanced non-consumptive activities, and potential benefits to fisheries outside

the no-take area. The Act, as amended, went far toward establishing no-take marine reserves in Glacier Bay proper by closing several areas to all commercial fishing. Although sport and personal use fisheries continue to be authorized in these areas, very little participation is expected to occur in these areas. The wilderness waters of the Beardslee Islands, Adams Inlet, Hugh Miller Complex, and Rendu Inlet--and portions of Muir Inlet--are closed to motorized traffic during the visitor season and hence receive very little, if any, sport fishing pressure. As a result, the areas closed to commercial fishing by the Act will virtually be no-take areas by default. These areas will allow unparalleled opportunities--previously non-existent in Alaska and rare in northern latitudes worldwide--for researching the effects of marine reserves. The particular elements of a marine reserve research program for Glacier Bay proper will be developed cooperatively with the State of Alaska as required.

Research

Numerous commenters in support of reducing or eliminating commercial fishing in park waters indicated that as a national park, Glacier Bay could serve as an unfished control area, thus providing a unique baseline for future research. Several commenters indicated that one important value of ``no-take'' marine reserves was the opportunity to compare fished and unfished areas and apply this knowledge to the management of ongoing fisheries. Several commenters felt that NPS should monitor any ongoing fisheries carefully to ensure sustainability

and compatibility with park values. A few commenters suggested specific

studies including bycatch studies, stream colonization processes, and the effects of fishing on fish, marine mammals, birds, and benthic communities. Several commenters felt that the cooperatively developed fisheries management plan for Glacier Bay should outline cooperative

research projects that would be coordinated with existing agencies and agreed to by a joint management board. A few commenters including NPCA recommended that NPS pursue additional funding to support ongoing research needs. The Alaska State Legislature recommended that NPS define what is meant by cooperative research and outline a peer review process and quality standards. The State indicated support for a cooperatively designed research program.

Numerous commercial fishermen indicated that ongoing fisheries would not preclude research and would in fact support research because fishermen could provide valuable information on harvest. Several commenters opposed the Dungeness crab research project proposed in the 1997 draft regulations because it involved private profit from sale of crabs caught; other commenters opposed the halibut study outlined in the preamble of the proposed regulations because it would involve closing a valuable fishing area. ATA commented that they did not support additional closures beyond those described in the Act for research purposes. Several commenters expressed concern about the USGS BRD

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crab and halibut studies, indicating that they may not be accurate and unbiased. PVOA believed that research at Glacier Bay would not be applicable to other areas of Southeast because park ecosystems were newly deglaciated and were therefore not representative of other Southeast ecosystems.

NPS Response: We believe that the commercial fishing closures described in the Act, as amended, will provide unique opportunities to compare fished and unfished areas. The specific elements of a research program for Glacier Bay will be cooperatively developed with the State of Alaska as required by section 123(a)(1) of the Act. We look forward to developing a cooperative research program with ADFG and others and envision that, while each agency will likely pursue agency-specific research questions, cooperative studies will be designed to address questions of mutual interest. Development of a cooperative program will

also benefit from the input of other stakeholders, in particular, local fishermen who remain fishing in Glacier Bay. We acknowledge that much important information can be gleaned from fishermen's logs as well as from fishermen's traditional knowledge. Importantly, we would like to work with ADFG, IPHC and fishermen to develop better harvest tracking mechanisms for the park.

Phase-Out Period

Most comments received discussed the phase-out of commercial fishing in Glacier Bay proper. Many individuals supported the preferred alternative's phase out period of 15 years. Many commenters supported a shorter phase-out period; recommendations included 7 years (including Sierra Club recommendation), 3-5 years, and 2-4 years. One commenter

recommended a 30-year phase-out. Many individuals indicated that commercial fishing should be prohibited immediately in all park waters with no phase-out period. Commenters who supported a phase-out typically indicated that this time period would allow local communities

to transition from fishing to a different economy and for fisherman to be retrained for other occupations while ultimately protecting the marine resource. Individuals who recommended a shorter or no phase-out period typically expressed concern that irreversible resource impacts could occur during the phase-out period and/or fishing constituencies would work to overturn decisions regarding fishing closures during that

period. The Wilderness Society stated that NPS must show that ongoing fisheries would not compromise resources during the phase-out.

Conversely, many commenters recommended at least lifetime tenancy for fishermen with a history of fishing in Glacier Bay or no phase-out at all. Many of these individuals indicated a phase-out even for the period of their lifetime was unfair because it would preclude fishermen's children and grandchildren from ``inheriting'' the right to fish in Glacier Bay.

NPS Response: The Act, as amended, grants qualifying fishermen a non-transferable permit for lifetime access to an authorized Glacier Bay proper commercial fishery. Thus, the question of the duration of any phase-out has now been resolved by Congress. We expect that this condition will result in gradual attrition from the commercial fisheries as fishermen retire. At some point in time (likely decades off), all commercial fishing in Glacier Bay proper will cease following

the retirement of all fishermen qualified to continue to fish under section 123 of the Act, as amended. Life tenancy will allow individual fishermen with a sufficient history of fishing in Glacier Bay proper to continue harvesting fish and will provide a long time period for communities to make the transition to a different based economy.

Displaced Fishermen

NPS received many comments that expressed concern that fisheries closures would displace fishermen to other areas impacting the displaced fishermen, other fishermen already fishing those areas, and processors. The State disagreed with NPS's assumption as presented in the EA for the halibut and salmon fisheries that displaced fishermen can be redistributed to other areas without significant impact to their economic well being. Commenters indicated that displaced fishermen would potentially have to travel farther from their home port increasing travel costs (fuel, ice, insurance) and would be less productive in fishing new areas they weren't familiar with. Several commenters also indicated that fishermen already in the areas Glacier Bay fishermen were displaced to would be impacted because of increased fishing pressure.

Several individuals indicated that concentrating fishermen could

result in resource depletion in those areas and/or state mandated gear or harvest reductions to preclude resource depletion. A few individuals

were concerned that increased concentration of fishermen in smaller areas could increase the risk of collision, entanglement, etc. Several commenters indicated that fishery closures in Glacier Bay would force small boats to fish outer waters, which they are not equipped to do. A few commenters felt that closures of outer waters could displace fishermen to the Gulf of Alaska exposing them to more severe weather with limited anchorages. A few commenters indicated that displaced Glacier Bay fishermen could impact subsistence, personal use or recreational fisheries if they were forced to move into areas used for these fisheries.

NPS Response: We expect that few fishermen will be displaced outside of park waters because: (1) The Act, as amended, authorizes ongoing commercial fisheries in outer waters where well over 80% of historic harvest from the park has occurred; (2) the Act requires that any Dungeness crab fishermen compensated retire their limited entry permits (and pots) from the fishery; (3) the Act provides for life tenancy for qualifying fishermen in Glacier Bay; and (4) these regulations outline relatively lenient and inclusive eligibility criteria for the authorized fisheries in Glacier Bay proper.

Compensation

NPS received several general comments indicating that individuals and communities should be compensated for revenue lost due to fisheries closures. Several commenters recommended that all fishermen displaced from wilderness waters be compensated regardless of their fishery. A few individuals stated that deckhands/crewmembers should be compensated; one commenter recommended that crew should be compensated at the standard crew share of 10-12% of the permit holder's settlement.

Several commenters indicated that processors should be compensated. The

State provided a list of adversely affected entities who should be considered for compensation including commercial fishery entry permit holders, vessel owners, crewmembers, seafood processors, the State, communities and fishermen who have not historically made landings in Glacier Bay but will be impacted by increased competition or loss of opportunities.

A few commenters recommended compensation strategies that included providing business opportunities for displaced fishermen, providing job training or education tuition, and unspecified financial compensation. One commenter felt that NPS should pay displaced fishermen an average of their gross yearly take for life and compensate fishermen's children and grandchildren similarly. The Alaska

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State Legislature recommended that a bipartisan effort be initiated to seek additional compensation funds for deckhands and communities impacted by fishery closures.

Several commenters indicated that compensation for displaced fishermen was inappropriate. These individuals offered that ``nothing is guaranteed for life.'' Several individuals felt that the government should not financially compensate individuals who had been making a living from a public resource. One commenter indicated that the compensation package for Dungeness crabbers should be cut in half. A few individuals offered that the government should not compensate Dungeness crabbers because sea otters moving into crabbing areas would have eventually reduced crab harvest. Several commenters indicated that fishermen should compensate the American public for past use of public resources.

NPS Response: In May 1999 Congress passed section 501 of the 1999 Emergency Supplemental Appropriations Act that significantly expanded federal compensation available for commercial fishermen, communities and others who are directly affected by fisheries closures within Glacier Bay. We are working closely with the State of Alaska to implement this additional \$23 million compensation program as rapidly and as prudently as possible.

The Act passed by Congress in October 1998, as amended, also authorized a compensation program specific to Dungeness crab commercial fishermen who fished in the Beardslee Island or Dundas Bay wilderness waters for at least 6 of 12 years during the period 1987-1998. We are currently administering this compensation program and several fishermen have received compensation.

The State urged NPS to publish a formal rulemaking, which clarifies all aspect of the Dungeness crab buyout program. They further urged that an affidavit be sufficient to establish qualification for the buyout program. The State clarified that the State does not intend to participate actively in the permit relinquishment process whereby Dungeness crabbers would relinquish their Dungeness crab permit. Last, the State indicated that it was not clear how NPS intended to calculate fair market value of vessels and gear and urged NPS to be as lenient as possible. One commenter stated that the application period for Dungeness crab compensation process should be extended because all permit holders were not contacted.

NPS Response: A formal rulemaking process to complete the Dungeness crab compensation program, as described by the Act, as amended, is neither required nor warranted. A new rulemaking on the Dungeness crab fishery would take months to complete and actually serve to delay compensation of qualifying fishermen. Moreover, the Act, as amended, imposes strict timeframes for completion of the compensation program. Fair market values for vessels, gear and permit, where needed, will be carefully determined with assistance of professional appraisers.

Following passage of the 1998 Act, notice of the compensation program was provided to all 1,400 individuals who had provided comment or participated in workshops, described in extensive media coverage of the Act, and published in the Federal Register. More recently, as part of the May 1999 amendment to the Act, Congress changed the eligibility criteria and extended the application period for the Dungeness crab fishery compensation program. Notice of these changes was published in the Federal Register (64 FR 32888, June 18, 1999) and subsequently mailed to every permit holder in the Southeast Alaska Dungeness crab commercial fishery.

Safety

Several commenters expressed concern that smaller boats that typically fished Glacier Bay proper could not safely fish outer waters if they were displaced. A few commenters expressed concern that fishery closures on the outer coast would preclude use of the bays and protected anchorages during inclement weather. The ATA expressed concern that the ability of fishermen to seek safe harbor would be impacted if they had to receive permission from the superintendent for it. The State requested that the language providing for safe harbor in the 1997 rulemaking preamble be included in the body of subsequent rulemaking.

NPS Response: We expect that relatively few fishermen will be displaced and little crowding will occur based on the conditions outlined in the Act (continued fishing in outer waters/life tenancy for qualifying fishermen in Glacier Bay proper) and the relatively lenient and inclusive eligibility criteria described in this rule for the authorized Glacier Bay proper fisheries. Moreover, nothing in this rulemaking, existing park regulations, or the Act would affect the ability of fishermen or other vessel operators to seek safe harbor at any time within the park under hazardous weather or sea conditions, when experiencing mechanical problems, or in other exigent circumstances.

Personal Use, Subsistence and Sport Fishing

One commenter felt that NPS should continue to provide for personal use fisheries. Several commenters indicated that NPS should provide for subsistence fishing. Many commenters indicated that it was unfair to preclude commercial fishing while allowing guided sport fishing to continue. The State offered that NPS rulemaking should not restrict the State's ability to manage personal use fisheries. They further indicated that subsistence and personal use fisheries have occurred within park boundaries for many years and are not limited to residents of particular communities or areas. And they indicated that residents of Hoonah are authorized to participate in these fisheries in Glacier

Bay, as are residents of other communities.

NPS Response: Nothing in these regulations on grandfather criteria for lifetime permits for commercial fishing in Glacier Bay proper alters or supercedes existing authorities for personal use or sport fisheries. Existing personal use and sport fishing opportunities will continue consistent with NPS and non-conflicting state regulations. ANILCA specifically authorizes sport fishing in the park; ANILCA does not, however, authorize any Title VIII subsistence activities, including subsistence fishing, in Glacier Bay National Park. We have proposed to the State that all fisheries in Glacier Bay National Park--including authorized commercial, sport and personal use fisheries--be addressed in the cooperatively developed fisheries management plan.

Environmental Assessment

While several commenters noted that portions of the Environmental Assessment were inaccurate, very few comments (with the exception of the State, ATA, PVOA and one individual commenter) provided specific details on which information and/or analysis was incomplete or inaccurate. Several commenters in support of ongoing fisheries felt that, in general, the EA overstated the impacts of commercial fishing on park resources and visitors and understated the effects of closures on fishermen and the local economy.

NPS Response: We acknowledge that commenters provided valuable information with which to improve the analysis presented in the Commercial Fishing Environmental Assessment. Specific comments, particularly regarding economic effects have been incorporated within the context of the Regulatory Flexibility Analysis

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presented below. Specific comments associated with biological issues will be addressed in the fisheries management plan. Notwithstanding these specific comments, we believe that the document, with an errata sheet, is balanced and fairly reflects the mix of potential effects associated with continued authorized commercial fishing activities and/or closures.

A few commenters believed that the EA described potential impacts that were unlikely to occur and implied that commercial fishing vessels are the sole or main source of vessel effects on marine and terrestrial systems when in fact they are a minor component of vessel traffic in Glacier Bay. A few commenters offered that preparing separate environmental documents for commercial fishing, sport fishing, vessel management, new park infrastructure, etc. does not allow the public to see the ``whole'' picture or to understand the cumulative effects of these activities.

NPS Response: One purpose of an Environmental Assessment is to outline all the potential social and biological effects of a proposed federal action. Consequently, the Commercial Fishing Environmental Assessment described the potential effects of commercial fishing on the

human and biological environment in and near Glacier Bay National Park.

We determined that the commercial fishing issue and associated analysis should be addressed separately from other related issues including vessel management (addressed in the 1996 Vessel Management Plan and Environmental Assessment) and other ongoing fisheries (which will be addressed in the cooperatively developed fisheries management plan). The cumulative impacts section of the Commercial Fishing Environmental Assessment was provided to assist the public in placing this issue within the context of other related park actions and programs. Moreover, many of the original issues addressed in the 1997 proposed rulemaking and its accompanying EA have now been definitively resolved by Congress in the Act, as amended, and are no longer discretionary Federal actions requiring the same scope of NEPA analysis as before.

Section by Section Analysis

The regulations in this section implement the statutory requirements of section 123 of the Omnibus Emergency and Supplemental Appropriations Act for FY 1999 (the ``Act'') (Pub. L. 105-277), as amended by section 501 of the 1999 Emergency Supplemental Appropriations Act (Pub. L. 106-31). Where possible, the language used in this section of the regulations mirrors the language used in the Act, as amended.

Section 13.65(a)(1) of the regulations provides definitions for the terms ``commercial fishing'', ``Glacier Bay'' and ``outer waters.'' The definition for ``commercial fishing'' is the same as used for the park's vessel regulations in section 13.65(b) of Title 36 of the Code of Federal Regulations. The terms ``Glacier Bay'' and ``outer waters'' are used in these regulations to describe marine water areas of the park that are to be regulated differently under requirements of the Act, as amended. The definition for ``Glacier Bay'' mirrors the definition for ``Glacier Bay Proper'' that is provided in section 123(c) of the Act. This definition is essentially the same as that provided in the park's vessel management and resource protection regulations found at section 13.65(b)(1) of Title 36 of the Code of Federal Regulations. The term ``outer waters'' is used to describe all of the marine waters of the park outside of Glacier Bay proper. This includes areas of Icy Straits, Cross Sound, and coastal areas on the Gulf of Alaska running from Cape Spencer to Sea Otter Creek, beyond Cape Fairweather.

Section 13.65(a)(2) of the regulations provides authorization for commercial fishing to continue in some of the non-wilderness marine waters of the park, as specifically provided for by the Act. The Act calls for the State of Alaska and the Secretary of the Interior to cooperatively develop a fisheries management plan for the regulation of commercial fisheries in the park. We anticipate that the fisheries management plan will reflect the requirements of the Act and other applicable federal and state laws, as well as international treaties,

and serve to protect park values and purposes, prohibit new or expanded commercial fisheries, and provide opportunity for the study of marine resources. This authorization for commercial fishing supercedes the general regulatory prohibition on commercial fishing in the park found at 2.3(d)(4) of this chapter. The authorization does not, however, exempt commercial fishing activities from other park regulations and programs in place to protect park resources and visitor use opportunities. Commercial fishing activities are to be conducted and managed in concert with park purposes and values.

Section 13.65(a)(3) of the regulation reaffirms the statutory closure of marine wilderness waters as required by the Wilderness Act and restated by section 123(b) of the Act. Two recent federal court decisions have made clear the statutory prohibition on most commercial activities--including commercial fishing--in designated wilderness areas.

Section 13.65(a)(4) of this regulation affirms that, consistent with the requirements of Section 123(a)(1) of the Act, commercial fishing is authorized in the marine outer waters of the park subject to a cooperatively developed State/Federal park fisheries management plan and applicable federal and non-conflicting state laws and regulations.

Section 13.65(a)(5) describes specific requirements and limitations on commercial fisheries in Glacier Bay proper, consistent with the Act, as amended. Section 13.65(a)(5)(i) of the regulation limits Glacier Bay proper commercial fisheries to longlining for halibut, pot or ring net fishing for Tanner crab, and trolling for salmon. These are the only commercial fisheries authorized to continue in Glacier Bay proper. Section 13.65(a)(5)(ii) of the regulations limits participation in the authorized Glacier Bay proper commercial fisheries only to individuals who have a nontransferable lifetime special use permit for access to the fishery issued by the Superintendent. This section clarifies that the requirement for this lifetime special use permit is not currently scheduled to go into effect until January 1, 2000. The delayed implementation date is intended to provide adequate opportunity for the public to comment on this rule, to review those comments and make any adjustments to the rule as may be warranted, and to allow sufficient time for fishermen to apply for and receive the access permits before a permit requirement is put into effect. This section also makes clear that the permits are non-transferable--reflecting the language and requirements of the Act. However, if a temporary emergency transfer of a permit is approved by CFEC due to illness or disability of a temporary, unexpected and unforeseen nature, we will also consider issuing a temporary special use permit transfer for the period (generally, a year or less).

Section 13.65(a)(5)(iii) describes how to apply for a special use permit for access. Subsection (A) restates the Act in requiring an applicant to possess a valid commercial fishing permit for the

district

or statistical area encompassing Glacier Bay proper. Subsection (B) outlines the specific eligibility requirements that must be met to obtain a special use permit for access to the Glacier Bay fisheries. These eligibility criteria have undergone a Regulatory Flexibility Act analysis, and have been determined to meet the goals of this regulation, while seeking to minimize

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impacts to commercial fishermen and other affected small businesses to the extent consistent with the Act, as amended. A 12-month application period to obtain a special use permit for access is described; conclusion of the eligibility determinations by October 1, 2000 may be important to completion of the \$23,000,000 compensation program authorized by Congress in the 1999 amendment to the Act. This subsection also outlines the specific type of documentation that an applicant must provide to the Superintendent to obtain an access permit. The Act requires fishermen to provide a sworn and notarized affidavit describing their particular history in one or more of the three authorized commercial fisheries. NPS will provide a simple affidavit form to applicants upon request. The Act also requires applicants to provide other available documentation that corroborates their history of participation in the fishery. Licensing and landing histories--two types of readily available corroborating documentation--are required by this regulation. A certified printout of a fisherman's licensing history in a fishery is available at no charge from the CFEC.

The licensing history corroborates participation in the fishery during the qualifying years. Landing reports, documenting a fisherman's harvest activities in a specific commercial fishery by year and location, are available at no charge from the ADFG. A form is required from ADFG to obtain this information. We are aware of the limitations of some landing data--there is, for example, no separate statistical reporting unit for Glacier Bay for salmon trolling. Accordingly, we intend to consider salmon landing reports for District 114 as indirect evidence of participation in the Glacier Bay fishery; this indirect evidence must be supported by additional corroborating documentation. For the halibut and Tanner crab fisheries, because specific reporting areas are described for Glacier Bay, additional corroborating documentation will be required where landing data are not conclusive. In any event, landing reports must be for the reporting area immediately adjacent to Glacier Bay to be considered. Finally, subsection (C) describes the delivery address to apply for an access permit, and subsection (D) clarifies that the Superintendent will make a written determination and provide a copy to the applicant. Fishermen will be afforded opportunity to provide additional information, as warranted or needed. We anticipate that it could take 30 days or more to process and respond to an application, depending on the volume and completeness of the applications received. For this reason, fishermen are advised to apply at least 30 days in advance of anticipated fishing activities in Glacier Bay proper that will require a special use

permit.

Subsection 13.65(a)(5)(iv) describes special use permit denial and appeal procedures for an applicant. These procedures are similar to those in place for other NPS permit programs in Alaska.

Subsection 13.65(a)(5)(v) makes clear that the special use permits for access to the Glacier Bay proper commercial fisheries are renewable for the lifetime of an access permit holder, provided they continue to hold a valid commercial fishing permit and are otherwise qualified to participate in the fishery. We expect to reissue the special use permits for access on a five-year cycle. This will provide a recurring opportunity to update the list of fishermen authorized to commercial fish in Glacier Bay. NPS will not charge a fee for these special use permits. No special use permits will be required to participate in commercial fisheries otherwise authorized in the marine waters of the park outside Glacier Bay.

Section 13.65(a)(5)(vi) describes non-wilderness areas closed to commercial fishing within Glacier Bay proper, as required by the Act, as amended by section 501 of the 1999 Emergency Supplemental Appropriations Act (May 21, 1999). The 1999 amendment delays implementation of these non-wilderness closures during the 1999 fishing seasons with respect to the commercial halibut and salmon troll fisheries. Wilderness areas remained closed to all commercial fishing under the 1999 amendment, with no delay in implementation; these closures were put into effect by NPS on June 15, 1999. NPS will provide detailed maps and charts depicting these non-wilderness and wilderness closures to every fisherman who receives a special use permit for access to the three authorized Glacier Bay proper commercial fisheries. Subsection (A) describes the general closure of the west arm of Glacier Bay to commercial fishing, with the exception of trolling for king salmon during the State's winter season troll fishery. Subsection (B) implements the closure of Tarr Inlet, Johns Hopkins Inlet, Reid Inlet, and Geike Inlet to all commercial fisheries. These closures include the entirety of each of these inlets, as depicted on the maps and charts available from the Superintendent. Subsection (C) closes the east arm of Glacier Bay north of a line drawn across the mouth of the arm from Point Caroline through the southern point of Garforth Island to the east shore mainland. The Act provides an exception to this prohibition that allows trolling for king salmon during the State's winter troll fishery ``south of a line drawn across Muir Inlet at the southernmost point of Adams Inlet.'' This line is described in this subsection as 58 deg. 50'N latitude, a description more readily understood by commercial fishermen.

Drafting Information

The primary authors of this rule are Randy King, Chief Ranger, Glacier Bay National Park and Preserve; Mary Beth Moss, Chief of

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Barry, Assistant Secretary of the Interior for Fish and Wildlife and Parks. Other key contributors include Molly Ross, Special Assistant to the Assistant Secretary for Fish and Wildlife and Parks; Marvin Jensen and John Hiscock of the National Park Service.

Compliance With Other Laws

Regulatory Flexibility Act

Under the Regulatory Flexibility Act of 1980, as amended, 5 U.S.C. 601 et seq., we have prepared an initial regulatory flexibility analysis on the expected impact of this rule on small business entities

and have determined that the rule will have a significant economic effect on a substantial number of small entities.

With this rule we are establishing eligibility requirements and application procedures for obtaining a special use permit for lifetime access to the three commercial fisheries authorized in Glacier Bay proper.

At issue is the effect that fishing eligibility restrictions in Park waters would have on numerous individuals and several communities.

Commercial fishing is one of the largest employers in Southeast Alaska.

The majority of private sector income in the Southeast is derived from the seafood industry, and the economic effect of these fisheries extends throughout Southeast Alaska and the State. Local fishing village governments are supported by commercial fishing, and in some cases depend on raw fish taxes. Restricted eligibility would not only directly affect fishermen unable to meet the participation criteria, but is also likely to affect deckhands, vessel owners, processors, other local business that either directly or indirectly support and are supported by the commercial fishing industry, and village governments.

In designing the eligibility criteria, we attempted to minimize the economic

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impacts to fishermen, communities, and others associated with the commercial fishing industry. The Act authorizes existing commercial fisheries to continue in outer waters where it is estimated that over 80% of the harvest from Park waters occurs. Additional harvest will continue in most of Glacier Bay during the life tenancy period of qualifying fishermen, supporting fishermen and communities over the course of the current generation. About 18% of the Park's marine waters

(wilderness and non-wilderness) will be closed immediately to commercial fishing. These closed waters have historically accounted for

approximately 10% of total biomass harvested in the Park. Within Southeast Alaska, the Bay has historically accounted for only 2-4% of the commercial halibut harvest; approximately 7-12% of commercial Tanner crab harvest; and an indeterminate, but presumably small percentage of the salmon harvest. 1

We expect that some portion of the revenue previously harvested in the closed areas of the Park will be recovered in Cross Sound and Icy Strait and/or other Southeast waters. This is particularly likely for fishermen pursuing highly migratory species like halibut and salmon. The stocks of these species do not confine themselves to the Bay. They move throughout the local aquatic environment, and fishermen are used to pursuing them more widely. Halibut fishermen operate under an individual quota system and with a fairly lengthy (8-month) fishing season. They should be able to select time and fishing location to achieve their quotas, avoiding the excessive costs and competitive pressures created by derby fishing conditions. Despite the fact that salmon are less broadly distributed in space or in time than halibut, most displaced salmon trollers (power and hand) are likely to be able to recoup the harvest lost from Glacier Bay proper. However, small hand

troll operators will probably encounter increased safety risks and other increased costs due to more exposed weather conditions and associated reduced access to migratory king salmon. The governing conditions are less accommodating for Tanner crab fishermen. Tanner crab fishing grounds are fully utilized with few, if any unexploited areas. Displaced Tanner fishermen are unlikely to recover their lost harvest.

In addition, although fishermen who do not meet the eligibility criteria will be displaced or excluded from the Bay, the above statistical data on the distribution of harvests from Park waters suggests that most fishermen who operate in Park waters are not heavily dependent on Glacier Bay proper fisheries. The data indicate that most of these fishermen have been harvesting fish and earning revenues outside the Bay. Moreover, in the Act and amendments thereto, Congress provided for compensation to affected communities and individuals.

Based largely on data collected by the Commercial Fisheries Entry Commission (CFEC) and two studies conducted by Jeff Hartman, Alaska Department of Fish and Game (Hartman 1998 and 1999), we estimate that the economic effects of the eligibility conditions established in the interim rule (direct, indirect, and induced) have a present value of \$9.2M (1997\$).

<bullet> The estimate is inclusive, covering losses of income to fishing permit holders, vessel owners, crew members, seafood processing firms and their employees, local businesses and communities, and the State. The restrictions on fishing may also diminish property values (fishing vessels and gear; real estate and other investment capital), but no estimate was made of these losses.

<bullet> The estimate is conservative. With unemployment in the local communities already higher than the State average, employment opportunities are limited. The NPS assumed that for many of the affected individuals the income losses would be perpetual. This and

other assumptions explained below lead to an overestimate of the effects of the rule.

The Commercial Fisheries Entry Commission (CFEC) maintains detailed, annual information on permit holders, including size, location, and value of catch (gross earnings). There are two problems with the harvest reporting system which preclude using these data alone

to estimate the economic effects of limiting access to the fisheries in

the Bay:

- <bullet> The earnings information is gross, not net.

- <bullet> The statistical areas for which data are reported frequently do not coincide with Park boundaries, making it difficult to apportion harvest to Park waters.

Fortunately, in 1994, Hartman conducted an in-depth survey of permit holders, vessel owners, crews, and processing firms and their workers, collecting detailed cost information (Hartman 1998). This survey information allows one to estimate net income and profits for the various groups.

In 1999, Hartman utilized the information and results of his 1994 survey in conjunction with decadal (1987-96) CFEC data on harvests size

and value, location of catch, and permittee participation by venue to estimate the losses associated with phasing out commercial fishing at Glacier Bay (Hartman 1999). Hartman found that the present value of losses in income to the fishing industry and communities in Southeast Alaska ranged between \$16M and \$23M (1997\$). These estimates do not include diminutions in the value of assets, but they do account for:

- <bullet> All regional income losses (direct, indirect, and induced), using a multiplier of 1.5. The relatively small multiplier reflects the extent to which the region is dependent upon imports.

- <bullet> Lost tax revenues to the State. Alaska levies a tax on commercial fishing businesses as well as a corporate income tax. The State shares the fishing tax with local communities based on location of landing.

- <bullet> Certain transactions cost and administration costs for the compensation program. Hartman estimates the present value of these costs at \$4.3M. Over-compensation of firms and individuals (\$3.4M) due to the difficulty of precisely identifying affected entities and the magnitude of their losses constitutes the largest component of the transactions costs.

We are puzzled by the inclusion of these transactions and administration costs, especially the transaction costs. They are a transfer payment, not an income loss, and since Congress has funded the compensation program, this \$3.4M constitutes an increase in regional income at the expense of taxpayers nationally. In our use of Hartman's analysis, we exclude these expenditures together with \$200K for Dungeness crabbers. Losses sustained by Dungeness crabbers are due to the Act, not the promulgation of eligibility conditions for Tanner, halibut, and salmon fishermen. Excluding these costs leaves \$670K in

administrative expenses. The cost of administering the compensation program is a burden on the State and the NPS, but not a loss to the regional economies. Indeed, depending upon how the monies are disbursed, they may be a gain to the regional economies, especially since these expenses are likely to be covered by taxpayers nationally. Excluding all transactions and administration costs reduces the estimated regional income effects to \$12-19M.

We have confidence in Hartman's analysis, both because of the care with which it was designed and executed and because Congress based its \$23M appropriation for compensation on this analysis. This latter is a strong

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endorsement. Hartman's analysis of income losses is more comprehensive than that required of us, however. Hartman wanted to identify all impacts to the region from phasing out commercial fishing in the Bay. We are only responsible for estimating the impacts associated with the promulgation of eligibility conditions for participating in the Tanner, halibut, and salmon troll fisheries. Hartman's upper bound estimate for this subset is \$12.1M.

In conducting his analysis, Hartman adopted much more restrictive eligibility criteria than those selected by the Secretary, excluding fishermen with less than 6 years of participation in 10. Scaling back Hartman's results to exclude only those with less than 3 years of participation during the decade reduces the upper bound estimate of the present value of the income effects to \$9.2M. At a discount rate of 3% in perpetuity this is an annual impact of \$276K. Annualizing over 50 years gives an impact of \$358K.

We believe these to be conservative estimates of the economic effect of the eligibility criteria selected by the Secretary on small entities (individuals, firms, communities, and village governments) in Southeast Alaska. First, our estimate is based on Hartman's upper bound, which assumes among other things that most displaced fishermen never work again. Secondly, because CFEC statistical areas do not coincide with Park boundaries, the data overestimate lost harvest and income due to the eligibility criteria. Further, participation data for 1989-1998, the period used by the Secretary in selecting the eligibility criteria, indicate that fewer participants would be excluded from the Bay fisheries than data for the period 1987-1996, the period underlying Hartman's analysis. No effort was made to correct for these influences and refine our estimates further.

We have placed a copy of the regulatory flexibility analysis on file in the Administrative Record at the address specified in the ADDRESSES section. Public comment is invited on the regulatory flexibility analysis.

Regulatory Planning and Review

This document is a significant rule and has been reviewed by the Office of Management and Budget under Executive Order 12866.

a. This rule will not have an annual economic effect of \$100 million or adversely affect an economic sector, productivity, the environment, or other units of government. Jobs in local Alaska communities will be lost and a Federally funded compensation programs will mitigate the economic impacts on individuals and the communities. An economic analysis has been completed and is attached (See Regulatory Flexibility Act Section). With this rule we are establishing eligibility requirements and application procedures for obtaining a special use permit for lifetime access to three commercial fisheries authorized in Glacier Bay proper.

b. This rule will not create inconsistencies with other agencies' actions. The Act calls for the Secretary and the State of Alaska (State) to cooperate in the development of a management plan to regulate these ongoing commercial fisheries. Certain inlets or areas of inlets of Glacier Bay proper are either closed to all commercial fishing, or limited to trolling by qualifying fishermen for king salmon during the winter season. The Act confirms the statutory prohibition on commercial fishing within the Park's designated wilderness areas, and authorizes compensation for qualifying Dungeness crab fishermen who had fished in designated wilderness waters of the Beardslee Islands and Dundas Bay.

c. This rule will not materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients. This rule implements and establishes eligibility requirements and application procedures for obtaining a special use permit for lifetime access to three commercial fisheries authorized in Glacier Bay proper.

d. This rule will not raise novel legal or policy issues. States and other Federal programs have used similar measures to compensate individuals to accomplish program initiatives.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under the Congressional review provisions of the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 804(2)). This rule:

a. Does not have an effect on the economy of \$100 million or more, as demonstrated in the economic analysis (see Regulatory Flexibility Act Section).

b. Will not cause an increase in costs or prices for consumers, individual industries, Federal, State or local governments entities, or geographic regions.

c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises (See Regulatory Flexibility Act Section).

Unfunded Mandates Reform Act

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1502 et seq.):

a. This rule will not ``significantly or uniquely'' affect small governments. A Small Government Agency Plan is not required. This rule does not change the relationship between the NPS and small governments.

(See Regulatory Flexibility Act Section).

b. The Department has determined and certifies pursuant the Unfunded Mandates Reform Act, that this rule will not impose a cost of \$100 million or more in any given year on local, State or tribal governments or private entities.

Takings

In accordance with Executive Order 12630, the rule does not have significant takings implications. No takings of personal property will occur as a result of this rule. Perceived takings due to job loss will be offset by the compensation program. This rule implements and establishes eligibility requirements and application procedures for obtaining a special use permit for lifetime access to three commercial fisheries authorized in Glacier Bay proper. (See Regulatory Flexibility Act Section).

Federalism

In accordance with Executive Order 12612, the rule does not have significant Federalism effects. The primary effect of this rule is to implement eligibility requirements and application procedures for obtaining a special use permit for lifetime access to three commercial fisheries authorized in waters of Glacier Bay National Park.

Civil Justice Reform

The Department has determined that this rule meets the applicable standards provided in Section 3(a) and 3(b)(2) of Executive Order 12988. The rule does not unduly burden the judicial system. NPS drafted this rule in ``Plain-English'' to provide clear standards and to ensure that the rule is easily understood. We consulted with the Department of Interior's Office of the Solicitor during the drafting process.

Paperwork Reduction Act

This rule contains information collection requirements subject to Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1995. The collection of information contained in section 13.65 (a)(5)(iii) of this rule is for issuing a special use permit for lifetime access to three authorized commercial fisheries within Glacier Bay proper based upon sufficient historical participation. The

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information collected will be used to determine who qualifies for the issuance of a special use permit for lifetime access. It is necessary for someone to apply to obtain a permit.

Specifically, NPS needs the following information from an applicant to issue a special use permit for lifetime access to the salmon troll fishery, Tanner crab pot and ring net fishery, and halibut longline fishery authorized within Glacier Bay proper: (1) Full name, date of birth, mailing address and phone number. (2) A sworn and notarized personal affidavit attesting to the applicant's history of participation as a limited entry permit or license holder in one or more of the three authorized Glacier Bay fisheries during the qualifying years. (3) A copy of a current State or--in the case of halibut--International Pacific Halibut Commission commercial fishing permit card or license that is valid for the area including Glacier Bay proper. (4) Documentation of commercial landings within the statistical units or areas that include Glacier Bay proper during the qualifying period. (5) Any available corroborating information that can assist in a determination of eligibility for the lifetime access permits for the three authorized fisheries within Glacier Bay proper.

NPS has submitted the necessary documentation to the Office of Management and Budget under 44 U.S.C. 3501 et seq., and received approval for the collection of this information for all areas covered by this rule under permit number 1024-0125. A document will be published in the Federal Register establishing an effective date for Sec. 13.65(a)(5)(iii).

The public reporting burden for the collection of this information is estimated to average less than two hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden of these information collection requests, to Information Collection Officer, National Park Service, 800 North Capitol Street, Washington, DC 20001; and the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Desk Officer for Department of the Interior (1024-0125),

Washington, D.C. 20503.

National Environmental Policy Act

An Environmental Assessment (EA) that described five alternatives for management of commercial fishing activities within the marine waters of Glacier Bay National Park was distributed for public comment on April 10, 1998. That document described the major issues associated with commercial fishing activities within the park as identified through public meetings, written comments and staff analysis, and examined the social and biological consequences of the five alternatives. The 1997 proposed regulations were described in Alternative 1, and represented the preferred alternative for purposes of the EA. Public comment on the proposed rule and EA were taken at the same time.

Congress, in passing section 123 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act for FY 1999, clarified and limited the Secretary of the Interior's discretionary authority with respect to authorizing commercial fishing in the park. Thus, the Act required the Secretary to describe eligibility criteria for the lifetime access permits for Glacier Bay proper, closed certain named inlets and wilderness waters, and clarified that the outer marine waters of the park should remain open to commercial fishing under a cooperatively developed State/Federal fisheries management plan.

Consistent with the requirements of the Act, as amended, we are providing a 45-day public comment period on this rule. All comments received on this rule will be considered prior to any decision under the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C).

By

requiring completion of the final rule by September 30, 1999, the Act, as amended, does preclude any opportunity to prepare an EIS instead of an EA on this rulemaking. We have placed copies of the 1998 EA on file in the administrative record; copies of the EA may be obtained by contacting the park at the address or phone number listed under FOR FURTHER INFORMATION CONTACT.

Clarity of the Rule

Executive Order requires each agency to write regulations that are easy to understand. We invite your comments on how to make this rule easier to understand, including answers to questions such as the following: (1) Are the requirements in the rule clearly stated? (2) Does the rule contain technical language or jargon that interferes with

its clarity? (3) Does the format of the rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity? (4) Would the rule be easier to understand if it were divided into more (but shorter) sections? (5) Is the description of the rule in

the SUPPLEMENTARY INFORMATION section of the preamble helpful in understanding the rule? What else could we do to make this rule easier to understand? Please send a copy of any comments that concern how we

could make this rule easier to understand to: Office of Regulatory Affairs, Department of the Interior, Room 7229, 1849 C Street, NW, Washington, DC 20240. You may also e-mail the comments to this address:
exsec@ios.doi.gov.

Public Comment Solicitation

If you wish to comment you may mail comments to Tomie Lee, Superintendent, Glacier Bay National Park and Preserve, P. O. Box 140, Gustavus, Alaska 99826. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

List of Subjects in 36 CFR Part 13

Alaska, National Parks, Reporting and record keeping requirements.

In consideration of the foregoing, NPS proposes to amend 36 CFR part 13 as follows:

PART 13--NATIONAL PARK SYSTEM UNITS IN ALASKA

1. The authority citation for part 13 is amended to read as follows:

Authority: 16 U.S.C. 1, 3, 462(k), 3101 et seq.; Sec. 13.65 also issued under 16 U.S.C. 1a-2(h), 20, 1361, 1531, 3197; Pub. L. 105-277, 112 Stat. 2681, October 21, 1998; Pub. L. 106-31, 113 Stat. 57, May 21, 1999.

2. Section 13.65 is amended by adding paragraph (a) and removing and

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reserving paragraphs (b)(5) and (b)(6) to read as follows:

Sec. 13.65 Glacier Bay National Park and Preserve.

(a) Commercial Fishing--(1) Definitions. As used in this section: Commercial fishing means conducting fishing activities under the

appropriate commercial fishing permits and licenses as required and defined by the state of Alaska.

Glacier Bay means all marine waters within Glacier Bay, including coves and inlets, north of an imaginary line drawn from Point Gustavus to Point Carolus.

Outer waters means all of the non-wilderness marine waters of the park located outside of Glacier Bay.

(2) Authorization. Commercial fishing is authorized in the non-wilderness marine waters of the park in compliance with paragraph (a) of this section, and applicable federal and non-conflicting state laws and regulations.

(3) Wilderness. Commercial fishing and associated buying and processing operations within designated wilderness are prohibited.

Maps

and charts showing designated wilderness areas are available from the Superintendent.

(4) Outer waters. Commercial fishing is authorized within the marine outer waters of the park subject to a cooperatively developed State/Federal park fisheries management plan and applicable federal and non-conflicting state laws and regulations.

(5) Glacier Bay. (i) Authorized fisheries. Commercial fisheries within Glacier Bay are limited only to longline fishing for halibut, pot or ring net fishing for Tanner crab, and trolling for salmon. All other commercial fisheries are prohibited.

(ii) Limits on participation. After January 1, 2000, longlining for halibut, pot or ring net fishing for Tanner crab, or trolling for salmon in Glacier Bay is prohibited without a special use permit for access to the fishery issued by the Superintendent. The special use permit for access is non-transferable.

(iii) Obtaining a special use permit. The special use permits for access to the three authorized Glacier Bay commercial fisheries are available to fishermen who-

(A) Possess a valid commercial fishing permit for one or more of the three fisheries authorized in Glacier Bay; and,

(B) Provide documentation to the Superintendent prior to October 1, 2000, which demonstrates that the individual participated as a permit holder in the Glacier Bay commercial halibut fishery for at least two years during the period 1992--1998, or, in the case of the Glacier Bay salmon or Tanner crab commercial fisheries, participated as a permit holder for at least three years during the period 1989--1998. The documentation provided must include: full name, date of birth, mailing address and phone number; a sworn and notarized personal affidavit attesting to the applicant's history of participation as a permit holder in one or more of the three authorized fisheries within Glacier Bay during the qualifying period; a copy of a current State of Alaska or, in the case of halibut, International Pacific Halibut Commission commercial fishing permit or license that is valid for the area including Glacier Bay; documentation of licensing history for the fishery during the qualifying period; documentation of commercial landings for the fishery during the qualifying periods and within the

statistical unit or area that includes Glacier Bay or Icy Straits. Fishermen are requested to provide any additional corroborating documentation that might be available to assist in a timely determination of eligibility for the special use permits for access.

(C) This information should be delivered to the Superintendent, Attn: Access Permit Program, Glacier Bay National Park and Preserve, P.O. Box 140, Gustavus, Alaska 99826.

(D) The Superintendent will make a written determination of eligibility for the special use permit for access based on information provided by the applicant. A copy of this written determination will be

provided to the applicant. If additional information is required to make an eligibility determination, applicants will be notified in writing of that need and be afforded an opportunity to provide it.

(iv) Special use permit denial and appeal procedures. If an applicant is determined not eligible for a special use permit for access, the Superintendent will provide the applicant with the reasons for the denial in writing within 15 days of the decision. Any applicant

adversely affected by the Superintendent's determination may appeal to the Regional Director, Alaska Region, within 180 days. Applicants must substantiate the basis of their disagreement with the Superintendent's determination. The Regional Director will provide an opportunity for an

informal meeting to discuss the appeal within 30 days of receiving the applicant's appeal. Within 15 days of receipt of written materials and informal meeting, if requested, the Regional Director will affirm, reverse, or modify the Superintendent's determination and set forth in writing the basis for the decision. A copy of the decision will be forwarded promptly to the applicant and will constitute final agency action.

(v) Special use permit renewal. A special use permit for access to an authorized Glacier Bay fishery will be renewed at 5-year intervals for the lifetime of a fisherman who continues to hold a valid commercial fishing permit or license and is otherwise eligible to participate in the fishery under federal and state law.

(vi) Areas closed to fishing. Maps and charts showing marine areas of Glacier Bay closed to commercial fishing are available from the Superintendent.

(A) After December 31, 1999 the west arm of Glacier Bay north of 58 deg.50'N latitude is closed to all commercial fishing, with exception of trolling for king salmon during the period October 1 through April 30, in compliance with state commercial fishing regulations.

(B) After December 31, 1999 Tarr Inlet, Johns Hopkins Inlet, Reid Inlet and Geike Inlet are closed to all commercial fishing.

(C) After December 31, 1999 the east arm of Glacier Bay, north of an imaginary line running from Point Caroline through the southern point of Garforth Island and extending to the east side of Muir Inlet, is closed to commercial fishing, with exception of trolling for king salmon south of 58 deg.50'N latitude during the period October 1 through April 30, in compliance with state commercial fishing regulations.

(b) * * *

(5) [Reserved]

(6) [Reserved]

* * * * *

Dated: July 2, 1999.

Donald J. Barry,

Assistant Secretary for Fish and Wildlife and Parks.

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Economic Analysis Table

Effects of GB Eligibility Conditions based on Jeff Hartman's 3/16/99 paper

(Present Values, 1997\$, \$K)

Hartman's Original Values

| | Vessel Owners | Vessel Crew | Processors | Processors Laborers | State & Local Taxes | Indirect & Induced | Total |
|----------------|---------------|-------------|------------|---------------------|---------------------|--------------------|-------|
| Tanner | 2788 | 2230 | 1339 | 2411 | 335 | 268 | 9371 |
| Halibut | 1693 | | | | | | 1693 |
| Troll | 1062 | | | | | | 1062 |
| Total | 5543 | 2230 | 1339 | 2411 | 335 | 268 | 12126 |

Scaled for 3 years in 10

| | Vessel Owners | Vessel Crew | Processors | Processors Laborers | State & Local Taxes | Indirect & Induced | Total |
|----------------------|---------------|-------------|------------|---------------------|---------------------|--------------------|-------|
| Tanner (.77) | 2147 | 1717 | 1031 | 1856 | 258 | 206 | 7216 |
| Halibut (.75) | 1270 | | | | | | 1270 |
| Troll (.68) | 722 | | | | | | 722 |
| Total | 4139 | 1717 | 1031 | 1856 | 258 | 206 | 9208 |

Note: 9208 is:

50% (18586), Hartman's (grand total) - (admin., transfer, etc)

50%(admin etc less dungeness) = 2006

Scaled Grand Total = 11214

At $i=.03$, annuity whose $PV=11214$ is 336 and for $PV=9208$, $A=276$. The latter is what I think should be covered by the funds appropriated for compensation.

11214 reflects income losses plus admin. etc. costs incurred to implement the compensation program.

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Commercial Fisheries Economic Analysis

This analysis serves as the basis for determinations made under the following statutes and executive order:

- Executive Order 12866 (Regulatory Planning and Review)
- 5 U.S.C. 601 *et seq.* (Regulatory Flexibility Act)
- 5 U.S.C. 801 *et seq.* (Small Business Regulatory Enforcement Fairness Act)
- 2 U.S.C. 1501 *et seq.* (Unfunded Mandates Reform Act)

1. Reason for the Analysis

In October, 1998, Congress passed the Omnibus Consolidated and Emergency Supplemental Appropriations Act for FY 1999 (the Act). The Act contains comprehensive statutory requirements regarding management of commercial fisheries in the marine waters of Glacier Bay National Park. The Act resolved a number of regulatory actions which the National Park Service (NPS) had proposed in April, 1997 (62 FR 18547).

In April, 1998, the NPS released a comprehensive Commercial Fishing Environmental Assessment (EA) that described and addressed the potential environmental impacts of the proposed actions (the 1997 proposed rule) and four alternatives for managing commercial fishing activities in the marine waters of the Park. The EA's five alternatives described a broad range of potential strategies for managing commercial fishing activities in the nonwilderness marine waters of the Park. These alternatives ranged from immediate closure of all fisheries in Park waters (Alternative 2) to continued commercial fishing in all non-wilderness Park waters (Alternative 4). With the Act, Congress obviated many of the regulatory options in the 1997 proposed rule and the EA's other four alternatives.

The Act:

- Authorizes the continuation of commercial fishing in the marine waters of Glacier Bay National Park outside Glacier Bay proper;
- Limits commercial fisheries within Glacier Bay proper to ring or pot fishing for Tanner crab, longlining for halibut, and trolling for salmon;
- Limits participation in these commercial fisheries to the lifetimes of individual fishermen with a qualifying history;
- Directs the Secretary of the Interior (Secretary) to determine the qualifying criteria for these fishermen.

In addition, the Act directs the Secretary and the State of Alaska (State) to cooperate in the development of a management plan to regulate ongoing commercial fisheries. Certain inlets or areas of inlets of Glacier Bay proper are either closed to all commercial fishing, or limited to trolling by qualifying fishermen for king salmon during the winter season. The Act confirms the statutory prohibition on commercial fishing within the Park's designated wilderness areas, and

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authorizes compensation for qualifying Dungeness crab fishermen who had fished in designated wilderness waters of the Beardslee Islands and Dundas Bay.

2. Interim Rule

An interim rule, published in mid July, 1999, implements the Act, as amended and establishes eligibility requirements and application procedures for obtaining a special use permit for lifetime access to the three commercial fisheries authorized in Glacier Bay proper.

In Glacier Bay proper the interim rule:

- Establishes eligibility criteria which allow those fishermen with a recurring and recent history of participation in authorized Glacier Bay fisheries to continue fishing for their lifetimes.
- Establishes application requirements and procedures to obtain a special use permit for lifetime access to the particular fishery.

Selection of eligibility criteria: The Secretary selected criteria which he believes will minimize impacts to fishermen, crew, processors, and communities, while protecting park purposes and values. The interim rule grants continued access to fishermen who have fished in Glacier Bay in one of the three authorized commercial fisheries as follows:

- For the halibut fishery -- two years of participation are required in Glacier Bay during the seven-year period, 1992 – 1998;
- For the salmon and Tanner crab fisheries -- three years of participation are required in Glacier Bay during the ten-year period, 1989–1998.

The qualifying periods of seven and ten years, respectively were selected in order to allow fishermen with a variable but recurring history of participation in the Bay to qualify for the lifetime access permits. More abbreviated base periods were considered too short to reflect recent, dynamic changes in the character of the fisheries. Longer qualifying periods were not considered, because participation in the three authorized fisheries has only recently stabilized.

The Secretary does not believe that a single occurrence of commercial fishing within Glacier Bay proper over the past 7 or 10 years demonstrates a sufficient sustained dependency on Park waters to warrant approving a lifetime permit. Although criteria originally outlined in the NPS's 1998 proposed regulations would have required 6 out of 10 years' participation, these were subsequently determined to be overly stringent. The current criteria (3 of 10 for Tanner crab and salmon and 2 of 7 for halibut) require fishermen to have fished in Glacier Bay proper for approximately 30% of the years during the 7 and 10-year base periods to qualify for continued lifetime access to an authorized fishery. The 2-of-7-year criteria for the Pacific halibut fishery allows for more accurate documentation of fishing and economic impacts within Glacier Bay proper, since IPHC designated the Bay as a unique statistical area in 1992. Glacier Bay proper comprised part of the greater Icy Strait statistical area prior to this time. The 7-year qualifying period also accommodates changes in the commercial halibut fishery since 1995, when it became a limited entry fishery. The entire nature of the fishery changed with prolonged seasons and individual fishing quotas. The 3-of-10-year criteria for the Tanner crab fishery accommodates the recent increase in participation in this fishery within Glacier Bay proper from fewer than 10 vessels per year from 1984-1989 to 14-25 vessels per year since 1991.

For additional justification regarding the Secretary's selection of participation criteria please see *Grandfather Eligibility Requirements for Continued Fishing in Glacier Bay Proper* in the Interim Rule.

At issue is the effect that fishing eligibility restrictions in Park waters would have on numerous individuals and several communities. Commercial fishing is one of the largest employers in Southeast Alaska. The majority of private sector income in Southeast Alaska is derived from the seafood industry, and the economic effects of these fisheries extends throughout Southeast Alaska and the State. Local fishing village governments are supported by commercial fishing, and in some cases depend on raw fish taxes. Restricted eligibility would not only directly affect fishermen unable to meet the participation criteria, but is also likely to affect crew, vessel owners, processors, other local business that either directly or indirectly support and are supported by the commercial fishing industry, and village governments.

Distribution of the harvest from Park waters: In designing the eligibility criteria, the Secretary attempted to minimize the economic impacts to fishermen, communities, and others associated with the commercial fishing industry, while protecting park purposes and values. The Act authorizes existing commercial fisheries to continue in outer waters where it is estimated that over 80% of the harvest from Park waters occurs (ADFG 1996, CFEC 1996, and NPS 1998).¹ Additional harvest will continue in most of Glacier Bay during the life tenancy period of qualifying fishermen, supporting fishermen and communities over the course of the current generation. About 18% of the Park's marine waters (wilderness and non-wilderness) will be closed immediately to commercial fishing. These closed waters have historically accounted for approximately 10% of total biomass harvested in the Park (ADFG 1996, CFEC 1996, and NPS 1998).² Within Southeast Alaska, the Bay has historically accounted for only 2-4% of the commercial halibut harvest (IPHC 1996, 1997, 1998);³ approximately 7-12% of commercial Tanner crab harvest (ADFG 1997, 1999);⁴ and an indeterminate, but presumably small percentage of the salmon harvest.⁵

Opportunities for replacing lost harvest: The NPS expects that some portion of the revenue previously harvested in the closed areas of the Park will be recovered in Cross Sound and Icy Strait and/or other Southeast waters. This is particularly likely for fishermen pursuing more widely distributed species like halibut and salmon. Halibut fishermen operate under an individual quota system and with a fairly lengthy (8-month) fishing season. They should be able to select time and fishing location to achieve their quotas, avoiding the excessive costs and competitive pressures created by derby fishing conditions. Despite the fact that salmon are less broadly distributed in space or in time than halibut, most displaced salmon trollers (power and hand) are likely to be able to recoup the harvest lost from Glacier Bay proper. However, small hand troll operators will probably encounter increased safety risks and other increased costs due to more exposed weather conditions and associated reduced access to migratory king salmon. The governing conditions are less accommodating for Tanner crab fishermen. Tanner crab fishing grounds are fully utilized with few, if any unexploited areas. Displaced Tanner fishermen are unlikely to recover their lost harvest.

In addition, although fishermen who do not meet the eligibility criteria will be displaced or excluded from the Bay, the above statistical data on the distribution of harvests from Park waters suggests that most fishermen who operate in Park waters are not exclusively dependent on Glacier Bay proper fisheries. The data suggest that most of these fishermen have been harvesting fish and earning revenues outside the Bay as well as inside. Most importantly, in the Act and amendments thereto, Congress provided for compensation to affected communities and individuals.

Compensation provisions: The 1998 Act provided comprehensive compensation for displaced Dungeness crabbers. On May 21, 1999, Congress passed the 1999 Emergency Supplemental Appropriations Act (PL106-31), thereby amending Section 123 of the Act. Section 501 of PL106-31 modifies the Dungeness crab fishery compensation program, and creates a new compensation program for fishermen, processors, crew members, communities, and others adversely affected by restrictions on commercial fishing activities in the Park. \$23M was appropriated for compensation programs under Section 501. This is in addition to \$5M in

compensation which Congress appropriated for qualifying Dungeness crab fishermen under Section 123 of the Act.

3. Estimated Economic Effects

Based largely on data collected by the Commercial Fisheries Entry Commission (CFEC) and two studies conducted by Jeff Hartman, Alaska Department of Fish and Game (Hartman 1998 and 1999), the Department of Interior (DOI) estimates that the economic effects of the eligibility conditions established in the interim rule (direct, indirect, and induced) have a present value of \$9.2M (1997\$).⁶

- The estimate is inclusive, covering losses of income to fishing permit holders, vessel owners, crew members, seafood processing firms and their employees, local businesses and communities, and the State. The restrictions on fishing may also diminish property values (fishing vessels and gear; real estate and other investment capital), but no estimate was made of these losses.
- The estimate is conservative. With unemployment in the local communities already higher than the State average, employment opportunities are limited. The NPS assumed that for many of the affected individuals the income losses would be perpetual. This together with other assumptions explained below lead to an overestimate of the effects of the rule.

The Commercial Fisheries Entry Commission (CFEC) maintains detailed, annual information on permit holders, including size, location, and value of catch (gross earnings). There are two problems with the harvest reporting system which preclude using these data alone to estimate the economic effects of limiting access to the fisheries in the Bay:

- The earnings information is gross, not net.
- The statistical areas for which data are reported frequently do not coincide with Park boundaries, making it difficult to apportion harvest to Park waters.

Fortunately, in 1994, Hartman conducted an in-depth survey of permit holders, vessel owners, crews, and processing firms and their workers, collecting detailed cost information (Hartman 1998). This survey information allows one to estimate net income and profits for the various groups.

In 1999, Hartman utilized the information and results of his 1994 survey in conjunction with decadal (1987-96) CFEC data on harvest sizes and values, location of catch, and permittee participation by venue to estimate the losses associated with phasing out commercial fishing at Glacier Bay (Hartman 1999). Using 6-of-10 year participation criteria, Hartman found that the present value of losses in income to the fishing industry and communities in Southeast Alaska ranged between \$16M and \$23M (1997\$). These estimates do not include diminutions in the value of assets, but they do account for:

- All regional income losses (direct, indirect, and induced), using a multiplier of 1.5. The relatively small multiplier reflects the extent to which the region is dependent upon imports.
- Lost tax revenues to the State. Alaska levies a tax on commercial fishing

businesses as well as a corporate income tax. The State shares the fishing tax with local communities based on location of landing.

- Certain transactions costs and administration costs for the compensation program. Hartman estimated the present value of these costs at \$4.3M. Over-compensation of firms and individuals (\$3.4M) due to the difficulty of precisely identifying affected entities and the magnitude of their losses constitutes the largest component of the transactions costs.

We are puzzled by the inclusion of these transactions and administration costs, especially the transaction costs. They are a transfer payment, not an income loss, and since Congress has funded the compensation program, this \$3.4M constitutes an increase in regional income at the expense of taxpayers nationally. In our use of Hartman's analysis, we exclude these expenditures together with \$200K for Dungeness crabbers. Losses sustained by Dungeness crabbers are due to the Act, not the promulgation of eligibility conditions for Tanner, halibut, and salmon fishermen. Excluding these costs leaves \$670K in administrative expenses. The cost of administering the compensation program is a burden on the State and the NPS, but not a loss to the regional economies. Indeed, depending upon how the monies are disbursed, they may be a gain to the regional economies, especially since these expenses are likely to be covered by taxpayers nationally. Excluding all transactions and administration costs reduces the estimated regional income effects to \$12-19M.

We have confidence in Hartman's analysis, both because of the care with which it was designed and executed and because Congress based its \$23M appropriation for compensation on this analysis. This latter is a strong endorsement. Hartman's analysis of income losses is more comprehensive than that required of the DOI, however. Hartman wanted to identify all impacts to the region from phasing out commercial fishing in the Bay. The DOI is only responsible for estimating the impacts associated with the promulgation of eligibility conditions for participating in the Tanner, halibut, and salmon troll fisheries. Hartman's upper bound estimate for this subset is \$12.1M.

Importantly, in conducting his analysis, Hartman assumed much more restrictive eligibility criteria than those selected by the Secretary, excluding fishermen with less than 6 years of participation in 10. Scaling back Hartman's results to exclude only those with less than 3 years of participation during the decade reduces the upper bound estimate of the present value of the income effects to \$9.2M. At a discount rate of 3% in perpetuity this is an annual impact of \$276K. Annualizing over 50 years gives an impact of \$358K.

We believe these to be conservative estimates of the economic effect of the eligibility criteria selected by the Secretary on small entities (individuals, firms, communities, and village governments) in Southeast Alaska. First, our estimate is based on Hartman's upper bound, which assumes among other things that most displaced workers never work again. Secondly, because CFEC statistical areas do not coincide with Park boundaries, the data overestimate lost harvest and income due to the eligibility criteria. Further, participation data for 1989-1998, the period used by the Secretary in selecting the eligibility criteria, indicate that fewer participants would be excluded from the Bay fisheries (315 permit holders, 340 crew members) than data for the period 1987-1996 (1391 permit holders, 1453 crew), the period underlying Hartman's analysis. No effort was made to correct for these influences and further refine our estimates.

We estimate economic impacts resulting from this rule will not exceed \$9.2M. Congress appropriated compensation in the amount of \$23M, which is more than twice the amount of compensation necessary for mitigation of estimated economic impacts. The rule will not impose a significant impact on small entities due to the existence of the \$23M compensation package.

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Footnotes

¹ Estimated value from ADFG and CFEC data summarized in Table 4.3 of NPS (1998). This estimate should be interpreted with caution since the Park boundary and statistical areas for which harvest is reported do not align well for some fisheries. Additionally, this estimate is based on 5-year average values for the period 1990-1997, depending on fishery.

² Ibid.

³ This estimate was derived from unpublished IPHC data for Glacier Bay proper (IPHC Regulatory Subarea 184) relative to IPHC Regulatory Area 2C which encompasses inside waters and all waters off the coast of Alaska, south and east of Cape Spencer, during the 1992-97 period.

⁴ This estimate was derived from unpublished ADFG data for Glacier Bay proper (Statistical Areas 114-70-77) relative to Registration Area A (Southeast Alaska) during the 1990/91-1994/95 period.

⁵ The relative importance of the salmon troll fishery in Glacier Bay proper can not be quantitatively determined because troll fishery District 114 encompasses Cross Sound, Icy Strait and Glacier Bay proper. The Glacier Bay proper component of salmon troll fishery effort, harvest or gross earnings cannot be determined from fishery statistics since they are reported for the larger District 114 area.

⁶ King crab and groundfish fisheries in Glacier Bay proper are closed under legislation. These closures are not included in this detailed analysis, because they do not result from this interim rule. Average annual gross earnings for king crab and have been estimated at less than \$1,000 over the most recent 10-year period (ADFG 1997). Although gross earnings data are not available for groundfish (including Pacific cod, lingcod, rockfish and other misc. species), an average annual harvest of less than 5,000 lbs. has been estimated for Glacier Bay proper (ADFG 1997, NPS 1998). Most of these species are valued at less than \$1 per lb. Fewer than four permit holders in each fishery have reported landings from Glacier Bay proper in recent (1991-95) years king crab and groundfish fisheries (NPS 1998).

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FOR IMMEDIATE RELEASE Contact: Jane Tranel

August 2, 1999 Information Office: (907) 257-2696

Glacier Bay National Park Proposed Regulations Available for Public Comment

The National Park Service (NPS) has published a proposed rule detailing the eligibility criteria for non-transferable lifetime commercial fishing permits for halibut, salmon and Tanner crab in Glacier Bay proper. This proposed rule outlines criteria for determining which fishermen would qualify for these permits. The rule will be published in the Federal Register for a 45-day public comment period. Public comments will be accepted from August 2 until September 16.

The proposed rule lays out a basic timetable for regulatory action. Under legislation passed last year and this spring, \$31 million in appropriations compensates those with economic losses, and requires that the State must concur with the federal compensation plan. "Senator Stevens was instrumental in providing funds to compensate fishermen and other affected parties," said Glacier Bay National Park Superintendent Tomie Lee.

Fisheries in Glacier Bay proper would remain open only to commercial fishermen with a history of use. Park waters outside Glacier Bay proper, where about 80 percent of the commercial fishing catch has historically taken place, will remain open to fishing.

The proposed criteria for lifetime commercial fishing permits would qualify applicants having participated as a permit holder in the Glacier Bay commercial halibut fishery for at least two years during 1992-1998. In the case of the Glacier Bay salmon or Tanner crab commercial fisheries, the applicant would have participated as a permit holder for at least three years during 1989-1998. After the public comment period, the authorized criteria for the lifetime commercial fishing permits will be published in the Final Rule which is scheduled to be published in the Federal Register September 30, 1999. Applicants will have until October 1, 2000 to file an application and supporting documentation.

Copies of the 1998 and 1999 laws and the new draft regulation are available on the park's website at www.nps.gov/glba They are also available by writing to the park at Superintendent, Glacier Bay National Park and Preserve, P.O. Box 140, Gustavus, Alaska 99826. Please send all comments concerning this proposed rule to the address above by September 16, 1999. Questions regarding compensation, legal descriptions or maps of the park and other fishing issues may also be directed to the same address.

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CONTACT**FOR IMMEDIATE RELEASE Contact: John Quinley****July 1, 1999 (907) 257-2696**

NPS Announces Glacier Bay Compensation Framework

The National Park Service and the State of Alaska have agreed on a framework for implementing the \$23 million compensation program authorized by Congress in May for processors, crew members, communities and others adversely affected by congressionally directed restrictions on commercial fishing activities in Glacier Bay National Park.

Expedited partial compensation to Dungeness crab processors, extensive public involvement opportunities, and assistance from private environmental mediation and economic consulting firms are key components of the plan. State and federal managers agreed in a meeting in Juneau last week to quickly provide compensation to those with the most direct links to the commercial fishing closures that have already occurred, and establish a public process to guide fair distribution of compensation to others affected by the phasing out of commercial fishing in Glacier Bay proper.

Legislation passed by Congress in September 1998 and additional legislation approved this spring provided a basic timetable for regulatory action, directed the closure of some park waters to commercial fishing, appropriated a total of \$31 million to compensate those with economic losses, and required that the state must concur with the federal compensation plan.

Congress provided that fisheries in Glacier Bay proper would remain open only to fishermen with a history of use. Park waters outside Glacier Bay proper, where about 80 percent of the commercial fishing catch has historically taken place, will remain open to fishing.

Of the \$31 million in total compensation, Congress allocated \$8 million to Dungeness crab fishermen. The Park Service has accepted compensation applications from seven Dungeness fishermen to date and is paying a minimum of \$400,000 to each. The period for Dungeness fishermen to apply for compensation ends August 1.

The remaining \$23 million will provide compensation to others affected by both the immediate Dungeness closures, and the eventual phase out of commercial fishing in Glacier Bay proper. The legislation provided only broad direction on the distribution of the money, but in meetings and discussions with the State of Alaska, an outline of the compensation program has been agreed upon. The main goals and timeline are as follows:

- By mid-July, the Park Service will publish draft regulations detailing the eligibility criteria for non-transferable lifetime fishing permits for halibut, salmon and Tanner crab in Glacier Bay proper. Public comment will be open for 45 days. Congress required the final regulations be published by September 30.
- In mid-July, public notice will be made to announce expedited partial compensation for the processors of Dungeness crab. Dungeness crab fishing in the park's wilderness

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waters has already ended, and fishing for Dungeness crab will end in non-wilderness waters of Glacier Bay proper this fall. The expedited partial compensation will address the loss of this season's income only. Payments are expected to be made this fall.

- In early August, a newsletter and questionnaire will be sent to a wide mailing list to introduce key issues and policy questions and to solicit public comment and suggestions. Key issues are likely to include compensation priorities, eligibility criteria, and criteria for allocating compensation funding among individuals, businesses and communities.
- An environmental mediation firm will be hired this summer to manage most aspects of public involvement. Also, an economic consulting firm will be contracted to provide an objective analysis of the economic effects of the restrictions on commercial fishing.
- Community meetings and workshops are expected to take place in October.
- By late 1999, the state and National Park Service expect to have the program structure and eligibility criteria in place.

Fishermen, community leaders and others interested in being placed on the mailing list for the compensation plan newsletters, or who believe they may be eligible for compensation, are encouraged to contact the park at P.O. Box 140, Gustavus, AK 99826-0140 or call the park at 907-697-2232.

-- END --

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For Immediate Release

June 8, 1999

Contact: John Quinley
Public Affairs (907) 257-2696, orRandy King, Chief Ranger
Glacier Bay N.P (907) 697-2230MAPS
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Glacier Bay Fishing Plan Moves Forward

The National Park Service is implementing new plans regarding commercial fishing in portions of Glacier Bay National Park and compensating fishermen and others who are no longer able to fish in certain park waters.

Legislation passed by Congress in September 1998 and additional legislation approved last month provided a timetable for regulatory action by the Park Service, mandated the cooperative development of a fisheries management plan with the State of Alaska for those fisheries authorized to continue in park waters, instituted closures of commercial fishing in other waters in Glacier Bay proper, and provided a total of \$31 million to compensate fishermen, processors, crew members and local communities with economic losses.

Park waters outside Glacier Bay proper - an area of about 271,000 acres where more than 80 percent of the commercial catch historically has taken place - will remain open to commercial fishing. Commercial fishing will end in wilderness waters and in certain other portions of the bay. Fishing will be gradually phased out of the remaining bay proper waters as qualifying fishermen retire.

"With these two pieces of legislation in hand, we are moving quickly to fairly compensate those with economic losses and to put the long-term management plan in place," said NPS Alaska Regional Director Bob Barbee. "We are working closely with the State of Alaska's biologists and fishery managers and with the communities, businesses and fishermen themselves to bring a fair settlement to all involved."

Under the terms and interpretation of the two laws, the status of fisheries in Glacier Bay National Park is as follows:

- Park waters outside Glacier Bay proper are open to commercial fishing.
- The NPS and State of Alaska are cooperatively developing a fisheries management plan.
- Halibut fishing in the non-wilderness portions of Glacier Bay proper described as closed in the 1998 legislation (West Arm, Johns Hopkins Inlet, Tarr Inlet, Reid Inlet, East Arm, and Geikie Inlet) will remain open until November 15, 1999.
- Salmon troll fishing in the non-wilderness portions of Glacier Bay proper described as closed in the 1998 legislation (same as above) will remain open until December 31, 1999.
- Dungeness crab fishing in the non-wilderness waters of Glacier Bay proper is closed as of June 15, 1999. (**This is incorrect:** See [correction](#))
- All commercial fishing in the wilderness waters (53,270 acres or about 8.8 percent of the total park marine waters) of Glacier Bay National Park is closed as of June 15, 1999.

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The closure of wilderness waters to all commercial fishing, and the additional closure of Dungeness crab fishing in non-wilderness waters of Glacier Bay proper (**see above correction**), will be enforced by park rangers as of June 15. "During the winter Tanner crab opening, we told fishermen about the closures required by the 1998 law, the earlier Wilderness Act designations made by Congress in 1980, and federal court rulings regarding commercial fishing in wilderness. We did not cite anyone at that time. Beginning on June 15, 1999, we will enforce the law," said Superintendent Tomie Lee.

Primarily Dungeness crab fishing has taken place in wilderness waters, and a compensation program is under way. The Park Service has accepted compensation applications from six fishermen, and is paying a minimum of \$400,000 to each. Three additional applications are being reviewed. The 1999 legislation extended the application period to August 1 for the Dungeness crab compensation program, and made changes in the compensation formula.

"We've offered expedited payments of \$400,000 to each of the eligible crab fishermen and several have already been paid," said Glacier Bay Superintendent Tomie Lee. "This payment is the minimum amount they will receive, and they may be eligible for additional payments depending on their circumstances." Those who accept the payments also have the option of selling their crab boat and gear to the government.

Last month's legislation also provided for payments to others affected by the fishery restrictions in Glacier Bay proper. The Secretary of the Interior is "authorized to provide \$23 million for a program developed with the concurrence of the State of Alaska to fairly compensate United States fish processors, fishing vessel crew members, communities, and others negatively affected by restrictions on fishing in Glacier Bay National Park." State and NPS officials have begun discussions to develop the details of this program. "We had a very good work session with the Alaska Department of Fish and Game last week," said Lee, "and we expect to meet later this month to iron out more details of the compensation program. These will be announced as decisions are made."

Later this month, the NPS will publish an interim rule setting out "grandfathering" criteria for determining which fishermen would qualify for non-transferable lifetime permits to allow them to continue to fish in portions of Glacier Bay proper. The interim rule will not have an effective date and will be published in the Federal Register for a 45-day public comment period. The final rule will be published no later than September 30, 1999, in accordance with the recent legislation. Congress provided for lifetime permits for fishermen with a history of commercial fishing for salmon, Tanner crab and halibut in portions of Glacier Bay proper. The regulations will describe who is eligible for the lifetime permits and other implementation and permit rules.

Copies of the 1998 and 1999 laws are available on the park's Web site at www.nps.gov/glba, and are available by writing to the park at Superintendent, Glacier Bay National Park and Preserve, P.O. Box 140, Gustavus, AK 99826. Questions regarding compensation, legal descriptions or maps of the closed areas, and other fishing issues may also be directed to the same address.

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NEWS RELEASE u.s. department of the interior

national park service

For Immediate Release

Contact: Randy King, Chief Ranger

June 11, 1999

Glacier Bay N.P (907) 697-2230

Correction to News Release Regarding Glacier Bay Fishing Plan

The National Park Service (NPS) announced new plans on June 8th regarding commercial fishing in portions of Glacier Bay National Park and compensating fishermen and others who are no longer able to fish in certain park waters. The **NPS news release** incorrectly stated that commercial fishing for Dungeness crab within all of Glacier Bay proper would be closed as of June 15, 1999. Only designated wilderness areas within the park, including the Beardslee Island and Dundas Bay wilderness areas, will be closed to commercial fishing as of June 15, 1999. Under legislation passed last month by Congress, the non-wilderness portions of Glacier Bay will remain open to commercial fishing for Dungeness crab, subject to state and federal regulations, until September 30, 1999.

Copies of the 1998 and 1999 laws passed by Congress affecting commercial fishing activities within Glacier Bay National Park are available on the park's web site under the park issues section at www.nps.gov/glba. Information is also available by writing to the park at Superintendent, Glacier Bay National Park and Preserve, P. O. Box 140, Gustavus, AK 99826. Questions regarding legal descriptions or maps of wilderness areas and other fishing issues may also be directed to the same address.

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Public Comment Extended for Glacier Bay Commercial Fishing Proposal

**June 1, 1998 CONTACT: John Quinley
For Immediate Release (907) 257-2696**

The public comment period on the National Park Service's environmental assessment and accompanying proposed rule for management of commercial fishing activities in Glacier Bay National Park has been extended through next fall.

The comment period, set to end June 1, has been extended to November 15, 1998.

The extension, requested by the State of Alaska and the public in recent public hearings, will give people additional time to review, discuss and comment on the proposed rule and environmental assessment. This is the third extension of the public comment period on the proposed rule.

Five options for how commercial fishing should be managed in the park are presented in the environmental assessment. The National Park Service's preferred alternative, embodied in the proposed rule, would enforce the statutory prohibition against commercial fishing in park marine wilderness, phase out commercial fishing in Glacier Bay proper after 15 years, and continue commercial fishing in the park's "outer waters," outside the Bay proper.

Further information on the proposals, and copies of the environmental assessment and an executive summary, are available by writing Glen Yankus, National Park Service,

Alaska Support Office, 2525 Gambell St., Anchorage, AK 99503-2838, or calling (907) 257-2645.

A copy of the Executive Summary for the environmental assessment and other information on the topic are available on the park's web site at <http://www.nps.gov/glba/issues/fish>.

Comments on the EA or proposed rule should be addressed to the Superintendent, Glacier Bay National Park and Preserve, P. O. Box 140, Gustavus, Alaska 99826 by November 15, 1998.

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January 23, 1998

CONTACT: John Quinley
(907) 257-2696

For Immediate Release

Glacier Bay Commercial Fishing Workshops Continue

The National Park Service (NPS) is sponsoring another public workshop in early February to discuss commercial fishing issues in Glacier Bay National Park. The workshop will be held in the Federal Building in Juneau, Conference Room 104A, on February 3, 1998, from 9:30am to 2:30pm.

The meeting will include an overview of **NPS goals** in proposing a **Federal rule** regarding commercial fishing activities in the park, an update on the related environmental assessment, discussion of the area's socio-economic concerns and a review of visitor use of Glacier Bay National Park.

The February 3rd meeting is the fourth in a series of informal workshops that began last November related to a **proposed rule** published in the *Federal Register* on April 16, 1997, concerning commercial fishing activities in Glacier Bay National Park. An Environmental Assessment concerning the proposed rule is being prepared and is scheduled for release for public review and comment by March 31, 1998.

Following release of the draft Environmental Assessment a series of open houses and formal public hearings will be held in various Alaska communities as well as in Seattle, Washington, before the May 15, 1998, deadline for public comment. Notice of these hearings will be published in the *Federal Register* and by way of local newspaper, radio and other electronic means.

Further information on the workshop is available from Randy King or Pat Phelan at Glacier Bay National Park at (907) 697-2230.

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Glacier Bay Commercial Fishing Workshops

NPS Summary Notes

Glacier Bay National Park Commercial Fisheries Public Workshop

November 6, 1997
Centennial Hall, Egan Room, Juneau, Alaska

NOTE: These are informal summary notes. They are paraphrased, not verbatim and may contain factual and contextual errors and/or omissions.

Overview and Introductions

Dave Hanson introduced himself. He is president of Arktos Associates and specializes in land, natural resource, environmental, and public policy mediation and facilitation.

In his opening remarks, Mr. Hanson noted a slight modification to the draft agenda. More open forum at end of day's workshop will be added for general items/issues of interest.

Workshop participants introduced themselves. (See attached listing)

Welcoming Remarks

Molly Ross, Special Assistant to the Assistant Secretary of Fish, Wildlife and Parks, declares a personal interest and involvement, in addition to representing the Assistant Secretary's (and national) interests. She addresses/explains aspects of both FACA and the Administrative Procedures Act regarding "what to do with/in a federal asset" that impacted and/or influenced and ultimately ended earlier efforts.

Jim Brady, Superintendent of Glacier Bay National Park, reinforces why this is a particularly good opportunity to bring closure/resolve to commercial fishing in Glacier Bay.

Rob Bosworth, Deputy Commissioner of the Alaska Department of Fish and Game, points out that this round of meetings is likely the last. The Federal government has signaled its intent to restrict certain fisheries. The NPS proposed rule reflects an intention towards a solution. Molly's presence reinforces a federal commitment to move forward. The State perceives/believes that the NPS is serious about considering modifications to the proposed rule. Rob lists those groups/organizations who comprise the Glacier Bay Commercial Fishing Work Group.

Mr. Hanson gives a brief overview of agenda and the basic rules of interaction; courtesy, patience, honesty and openness. Focus on the issues and move forward.

NPS and State Objectives on the Issue

Jim Brady states the NPS perspective. [Handout titled '*NPS Desired Outcomes, and Principles for Resolving Glacier Bay National Park Commercial Fishing Issues*'] Commercial fishing is one

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of several uses/activities, inter-connected, all of which relate to why and how Glacier Bay is managed. Also, as presented from the flipchart,: (1) Fisheries are managed in concert with other resource values; (2) Significant portions of the park will have natural and healthy populations; (3) Resident/sensitive species are protected; (4) No significant expansion of fisheries (species taken, gear types); and, (5) Maximize opportunities for science, which will benefit fisheries among other things.

It was noted that this is a more fleshed out park perspective. It reflects more flexibility and the principle statement could resolve the issue.

Rob Bosworth offers the State of Alaska's perspective and approach. Notes ongoing jurisdictional differences of opinion. The State believes that the NPS has no jurisdiction over the submerged lands. A jurisdictional dispute could take a minimum of 15 years in litigation to settle. Therefore, while the State will not relinquish its claim to submerged land it will work with the NPS in a cooperative management of resource and lands. Ideally a cooperative management regime would overcome jurisdictional disputes.

Differences could become moot if the State of Alaska and the federal government continue to work together collaboratively, and with both sharing some common goals. Restrictions need to be fair, based on sound science and involve stakeholder participation. The State's main interest is to reach consensus and attain resolution before deciding what mechanism, be it regulatory, rulemaking, legislative (or combination thereof) is used to implement resolution. It is particularly important that conservation groups and the commercial fishing community come together on this issue. The State plans on at least monthly stakeholder meetings, if not 2 per month for next few months.

The February 26 hearing held by Senator Murkowski for S1064 is a key target date for the Glacier Bay Working Group. A unified position is needed by then. Believes a legislative outcome could drive all parties farther apart.

The process by the NPS and the State are compatible. All recognize needs and fairness.

Update

Previous Efforts: Randy King, Chief Ranger, gave a recap of previous efforts. The handout titled, '*Fisheries Chronology*' as well as the preamble to the proposed rule offers a good recap. ANILCA passage was instrumental in both changing rules/policies under which Glacier Bay would be managed (from monument to park) and greatly expanded designated wilderness within the park. In the in 1980's, there was some movement to reconsider wilderness boundaries (which, in Glacier Bay, would have facilitated re-consideration of commercial fishing.) But, in 1988, a decision was made that wilderness boundaries needed to be defined on the basis of wilderness values.

Ongoing questions/concerns on commercial fishing yes/no in wilderness waters; inconsistencies between national policy vs. '84 GMP statements as to what commercial fisheries are allowed and where.

The Alaska Wildlife Alliance suit finally decided in 1994. Judge Holland's decision, reconfirmed in March of 1997 by the Ninth Circuit Court of Appeals, found that the Secretary has discretionary authority to allow or not allow commercial fishing in non-wilderness. Since the Holland decision there have been renewed efforts, by legislation, negotiation, arbitration and regulation to resolve issue.

Environmental Assessment Status: Mary Beth Moss, Chief of Resource Management, spoke to the status of the Environmental Assessment, the reasons behind the delay (gathering data was more difficult and took longer than anticipated), and the rulemaking timeline. Refer to the Handout titled, '*DRAFT Proposed Schedule Commercial Fishing EA and Public Involvement*'. Question on EA without FONSI clarified; formal hearings won't occur until following release of

Final EA, and then comments for public record will be towards final EA as a whole. The purposes of the public workshops to discuss alternatives are fundamentally different, and commentary during those will be considered for incorporation in producing Final EA

Jim Brady and Molly Ross responded to a question referencing the continuation of status quo commercial fishing in the Beardslees through this summer. Yes, assuming DOI/NPS solicitors will concur.

Proposed Legislation: Rob Bosworth gave an overview of Senator Murkowski's legislation (S 1064). Refer to ADF&G's 2 handouts, 1 of which is full text, on S 1064. A question was raised as to whether the "6" fishermen in the Beardslees were actually indicated in text.

National Policy Implications and Perspectives

National Policy: Molly Ross presented the NPS policy and perspective on this issue. She stressed that there is no fixed position or outcome. There is a move for ecosystem protection. That National Park ideals used on land based parks are just beginning to be implemented on the ocean marine parks. The policy perspective is that commercial fishing is not allowed. There are opportunities for protected marine areas that potentially will benefit everyone. However, realistically there are individuals that rely on this resource for their livelihood. Need an equitable solution for those affected.

Attention was drawn to how federal views HAVE changed, even just in the 1990's, involving many, not all of who are in the immediate room. The park is part of a larger national park system. However, some flexibility can occur in applying national policy when there are compelling reasons for doing so. Excerpt from ANILCA preamble reiterated such flexibility and mentions Glacier Bay by name.

The harvesting of resources for commercial purposes is basically in conflict with national policy and what is allowed in national parks is in respect to why established and how managed. A reminder that we all need to look at reducing expectations of and dependencies on commercial fishing over time.

Overview of Alternatives and Proposed Rule

Alternative 1: Proposed Rule. Randy King offered Alternative 1 as the proposed rule and NPS alternative. It's background. The basic framework was introduced in 1996 as a NPS proposal to look at this issue. It is to address the various issues and bring a response to it. It is seen as a framework to continue and bring out discussion. Does not represent a consensus.

Details. The proposed rule is Alternative One on the handout listing all alternatives. Refer to the handout, *'Draft Table 2-1. Summary Comparison of Alternatives 1,2,3,4, and 5.'*

Why it is the NPS preferred alternative. 1) It responds to and addresses issues that have been raised over the years. 2) It takes a long-term approach in achieving a closed wilderness area. 3) It achieves the outcomes outlined by the park directives (*NPS Desired Outcomes and Principles handout*). 4) It offers a long-term phase out for economic stability and fairness to fishermen with a long history in the bay.

As a framework for discussion it is not perfect. It is open to improvement.

Outer waters. Why is it important to exempt that area? The exemption (park regulation) will last for 15 years and be revisited. The Secretary of Interior wants opportunity to re-evaluate continuation of fishing. This is not a concrete period of time. If the cooperative management plan works, at the end of 15 years any issues will have been largely addressed. It will require another regulatory period to change the 15 year exemption. The cooperative management plan outlines specific types of fisheries; not species. The 15 year period is a real issue between entities. The fishermen would also like to participate in the design of any research projects.

The proposed rule does not close halibut fishing as in the EA and raised in the preamble of the

proposed rule. Want comment on proposed halibut regulation. No decision made; to implement discussion. During discussion of Alternative 1, Randy King also noted that the NPS is offering 5 alternatives to the public in the EA. We have a preferred alternative and desire discussion and ideas to modify, change and implement.

Does the proposed rule allow the Secretary an option to close the outside waters for research? Does not specifically address this. Doesn't close outside waters for research.

Outer waters: The proposed rule specifies the gear types allowed. No new fisheries, but maintain current ones through the cooperative management plan with the state.

NEPA drives the alternatives offered. Some ideas are raised in the preamble of the proposed rule to encourage public comment. Notes that there are differences in proposed rule versus the NPS proposal presented at the May, 1996 stakeholder meeting.

NEPA Alternative Overview: Mary Beth sketched out the NEPA process and four additional alternatives. A team of people worked on the alternatives. Refer to '*Draft Table 2-1. Summary Comparison of Alternatives 1,2,3,4, and 5.*' The proposed regulations describe 5 alternatives. Alternative 1 is the preferred. One alternative was dropped that was very similar to Alternative 5 that had a five-year phase out. The effects were the same as the seven-year phase out. The dropped alternative was replaced with Alternative 3; and not described in the regulation or preamble. This alternative came about from interest in marine reserves by park, stakeholders, the scientific community, and legislators. The EA process was held back as this alternative was researched and written. A notice of availability in the Federal Register printing for the EA will serve as a notice of this change. A modified notice needs to go out to the public to make them aware of the change; dropping B and adding 3. The EA offers the broadest, widest range of alternatives possible; to compare affects.

Alternative Two. No action alternative. Required by law (NEPA) to have a no action clause. Means that the NPS would prohibit fishing throughout park waters. No federal dollars would be spent on fishing, research, etc. Implement the regulations and stop fishing and no research proposed.

Alternative Three. New alternative. Premised on maximizing marine reserve values. Would minimize resident species take and allow taking of transient species. On the handout, '*Summary Comparison of Alternatives 1,2,3,4, and 5*', add to page 3, second paragraph, "Dungeness crab fishing (commercial, sport & personal use) would be closed in BCO for 5-7 years". Question on definition of resident species. Excursion Inlet 'resident' species run a matter for future discussion minimizing and closing certain runs. This would disallow dredging in park waters.

Marine Reserve concept is broad and needs further defined in turn and discussion of how it relates to GLBA. Would pertain to the entire park.

Alternative Four. Fishing alternative. Authorizes through exemption most fisheries. Fisheries vulnerable to over-harvest or habitat degradation would be prohibited. See handout.

King crab and shrimp are missing in the species listed on the alternative.

Sport fishing is worked out within the management cooperative plan with ADF&G. Cultural fishing has not been defined or developed as of yet; the traditional fishing methods passed on to younger generations. Non-commercial fishery.

Alternative Five. 1991 draft regulations. Comparison for where we were then and where we are now.

DRAFT EA (handout titled, '*Chapter 2 Description of the Alternatives*', with draft written on the front) distributed for discussion, comments, ideas, etc to be incorporated towards the final document.

Request for a list of workshop participants and addresses to be made available.

Key Concepts and Issues

Dave Hanson facilitated a discussion of the key concepts and issues related to the commercial fisheries regulations. a proposed 'Key Issues' list was handed out to help focus discussion.

Handout is not a complete list; may not be completely accurate, but is a list of perceived issues from past meetings and discussions. This list with the 'parking lot' issues (listed on page 10) can be the spring board for future discussions, relevant topics for discussion on the November 7 meeting and to make sure the issues are addressed in the future. Discussion clarified several of the listed key issues and added issues to the 'parking lot' list.

Need to merge Key Issues and Parking Lot lists; all issues need to be explored. Some are informational that may bring forth more questions and answers. Perhaps need categories of information required; Additional Issues List and Additional Informational Issues List.

A key concept discussed was that Commercial Fishing Positive Compatibility needs to be confronted squarely as an individual issue. Using commercial fishing for/with opportunities to park experience and purposes (use data for research). Related questions included how and under what conditions can commercial fishing be a positive part of a marine reserve strategy?

What do we mean by cooperative management?

What is good/reasonable research?

Where is the co-existence?

Philosophical verses specific information; history and tradition

Both value systems of commercial fishing and park values have merit and should not be devalued by either side in the issue. Find a mix of each to marry the values to be compatible and positive for the park purpose.

Closeout/Summary

Following a discussion of meeting accomplishments, future meeting plans, and comments by Robert Bosworth regarding the State Working Group meeting on November 7, the workshop adjourned at 4:45 pm.

"Parking Lot" Issues

- \$6 million cut-off question (proposed rule-effect)
- Geographic origin/source of Glacier Bay visitors
- Non-legal evolution of conservation/resources management
- Beardslee/upper Dundas in Wilderness
- Wilderness issues
- Fishermen participation in design of proposed studies (EVOS approach and other models)
- Sport fishing
- Clarify "resident" species (eg. halibut; baseline data collection?)
- Excursion Inlet
- King Crab and shrimp MIA
- Marine reserve concept
- Define "cultural fishery"
- Displacement fisheries effects
- Commercial fishing compatibility (see also, visitor use) with Glacier Bay park purposes and experience [positive benefit]

- Decision process
- Under what conditions can commercial fishing be a positive part of a marine reserve?
- What is "good" research?

Outline of November 7 meeting

- Prioritize issues to address
- How to address issue
- Process to move forward
- Opportunity for interest group statements
- Assignments/committee work between meetings
- Future meetings/dual track meeting schedules to match

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Last update: August 28, 2006



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Glacier Bay Commercial Fishing Workshops

National Park Service Commercial Fisheries Workshop

January 8, 1998 10:00 a.m. - 5:30 p.m.**Centennial Hall, Hickel Room, Juneau**

NOTE: These are informal summary notes. They are paraphrased, not verbatim and may contain factual and contextual errors and/or omissions.

Workshop Overview and Introductions

The workshop was called to order by Facilitator Dave Hanson at 10:10 a.m. He began by pointing out that this was a Glacier Bay National Park (GBNP) informational meeting regarding commercial fishing. The first day of the workshop was sponsored by the National Park Service and is intended to be an information base for tomorrow's parallel working group effort sponsored by the Alaska Department of Fish and Game (ADF&G). The second day is a State of Alaska sponsored working group meeting to work on concepts and building blocks for acceptable solutions or regulation.

In March, the Environmental Assessment (EA) for the proposed rule will be published followed by public meetings and hearings on the EA and Proposed Rule in April and early May. Then the final rule will be published.

The agenda proposes an educational look at the concept of marine protected areas. First, national expert, Dr. Jim Bohnsack from the National Marine Fisheries Service in Florida, will speak on marine reserves. Later we will hear about halibut use of Glacier Bay and related research from the International Pacific Halibut Commission (IHPC) and the USGS-Biological Research Division (BRD). Then we will hear about other species including salmon, Dungeness crab, tanner crab, et al. From ADF&G. The meeting will conclude with a general discussion and panel questions regarding the presentations and these data.

Introductions were made around the room. (See the attached list at the end of this document.)

Overview of NPS (National Park Service) Rulemaking Process/Goals

Bob Barbee, Regional Director of the Alaska Region, welcomed everyone and recognized that it was a diverse group. He hopes we will have a solution that all parties will feel OK about.

Molly Ross, Special Assistant to the Assistant Secretary of the Interior presented an overview of the rulemaking process and where things stand with the Department of the Interior. Recognized that this is a difficult issue for all. She was last here at the November workshop. She gave a brief reprise of her comments. She has the duty to present to the local community the national perspective on National Parks and doesn't always jive with the local perspective on how they want to use the National Park. But, the local perspective is a factor in the ultimate

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decision, which she does NOT know what will be. So meetings are important for her. Rule-making decision: currently in the public comment period now, from last April through May 15. End of March the EA, then more public meetings on the information in that document.

The NPS proposed rule is still the presumptive NPS position, must be until the final proposed rule. That rule envisions, ultimately, prohibition of commercial fishing in Glacier Bay mostly and legalization for first time in outer waters since 1966. Provides for grandfathering, compensation etc. Also it envisions Glacier Bay as a protected area with national value. That's the vision it portrays. NPS's proposed rule was a compromise over the 1991 proposed rule that would have totally phased out commercial fishing in all waters in 7 years, period, both inner and outer waters.

Law: from the national perspective the NPS is required to protect, preserve, and maintain for future generations. Also Glacier Bay has a special value as a benchmark, to learn all we don't know about marine ecosystems. That said, NPS is committed to treat people fairly. What much discussion is about is: what does that mean?? Up to Oct. 15, 95% of public comment (~400 letters) support NPS proposed decision or more restrictive. It's not a vote but it indicates public sentiment. Also science is pointing out need for areas that are protected to study. This Monday, "Troubled Waters", and 1600 marine scientists held a press conference, with a letter, saying oceans are in trouble.

Jim Brady thanked all for continued willingness to work with us. He referred to the handout titled "Goals and Outcomes" to see where NPS wants to go and why. These are revised as of January 1998.

Dr. Jim Bohnsack works for NOAA at Southeast Fisheries Science Center in Miami, FL. And, is also, adjunct faculty at the University of Miami, School of Marine and Atmospheric Sciences. He has thought about marine protected areas, written about them, published and done research on them, and helped to establish them.

He began by quoting Aldo Leopold, who developed the Land Ethic in Sand County Almanac: "like winds and sunsets, wild things were taken for granted..... now we are faced with the question of whether a still higher standard of living is worth the toll....."

He will talk about no-take reserves and marine ethics.

Fishing is a very important activity. His job as a fisheries scientist with NMFS NOAA is to promote fisheries. But it is also very important that we don't fish everywhere. We all agree on this on land. We stop at oceans; it's not obvious when the fish are gone. But we are learning. He has an advantage in warm water areas; he can see the fish gone, not everyone sees it. We can't protect bio-diversity if all areas are fished. He will explain later.

What is no-take reserve? It protects stock by allowing a refuge. Traditional fisheries management: either size limits or effort limits. But these tend to fail over time. Spatial refuge does same, but in space. Can protect stock, and even improve fisheries. Also protects bio-diversity. Fishermen should be interested in bio-diversity because that's what they harvest.

Why marine reserves? Are being used more and more around the world. Started in tropics by accident for tourists. It's not to replace traditional management, but is an additional tool. It also is part of ecosystem management. This is different than typical fix-it-when-broke management. More like airplane management: don't want things to break, can't afford it. This is ecosystem management, and marine reserves are a form of ecosystem management. Integrity, stability, and beauty of a system is the ecosystem (from A. Leopold quote). That was part of land ethic, now, Jim Bohnsack says we need a marine ethic.

Change of ethics: for example, first whales were hunted by harpoons; now with cameras. This is a change of ethics, a change with respect to our environment. This is what Bohnsack is talking about regarding ethics. A. Leopold, Sierra Madre of Mexico, here he saw the land

perfect, all he ever saw before was sick land. Bohnsack realized he has never seen a non-modified marine ecosystem.

Fisheries around the world are indeed collapsing. Most famous example: the east coast cod fishery. It was 500 years old, taking 800,000 tons each year. It would "never end" they said in 1989. It collapsed in '91. Commercial fishing is growing to make a living. Also sport harvest is increasing. Tourism is important; the aesthetic fishery. Problem is crowding and conflicting uses, all in same area. Reserves are one way to avoid these conflicts and zone for use. However, Alaska does not yet have the problem of population density of people.

But the problem with humans is that they are smart. They can catch fish faster than fish can reproduce. Examples of fish collapsing: Bermuda - Groupers, the largest fish, the largest individuals have all crashed. Virgin Islands - '50's photo of one man's catch, versus today. You cannot catch the same fish anymore. Headboat fishery in Southeast United States - the average size from 1972-1986 is decreasing over all species; this is not healthy. Fisheries have problems around the world. And just because you don't have a problem now, doesn't mean it's not coming. More examples: Red Snapper quickly fell from 16 million pounds to 5, and collapsed because of by-catch from shrimp trawls; so by-catch can be a problem.

Fish life cycles. Eggs released into water, dispersed in water, very low survival of larvae, then relatively sedentary adults, so recruitment is very chancy. Way around this: live long and so reproduce many times. We must let them reproduce many times in fishery management. This is the typical fish life cycle. Live long, because of recruitment uncertainty. Also many species change sex at size, if too small then not enough males or females. These fish are large, aggressive and thus not shy of humans, curious, do not naturally fear humans, also are predictable in space and time for e.g. spawning, in short time fishermen can do lots of damage.

Also important: young fish use most food for growth but later larger fish use most energy to reproduce, they are egg factories so fish managers must make sure large fish survive. Very big problem.

What is overfishing? Different types: size overfishing and growth overfishing. Fishing goes for biggest so causes recruitment failure, or it fishes them too young and not growing to a larger size. Genetic overfishing: smaller ones, least desirable, are the ones surviving and reproducing. Also there is behavioral overfishing: ones not behaving normally are ones that are selected for. This can, over time, turn lingcod into wrasse and lobster to a shrimp: they stop growing $\frac{1}{4}$ " below legal size limit. Ecosystem overfishing: having to do with relationships between species, e.g. sea otters with kelp and sea urchins. Models are difficult, might be wrong, even if right data is used they might be wrong. We also have lots of species. And the warm cuddly syndrome. Fish aren't usually targets for conservation.

Examples of Fishery management options:

- Catch quotas

- Seasonal closure

- Size limits: but often not work because of handling damage

- Trip limits: get bigger boats

- Hatcheries: obvious problems

Permanent reserve: simple and in tune with the ecology of the spp. Four benefits: more larvae; also adults wander out or move out = export biomass; genetic protection of wild type genes, they aren't selected against (be large, grow slow, be stupid) – only management option to do that; insurance policy if make mistakes in fishery ground: have a stock to rebuild faster.

Also it's win-win inside the reserve: can do research inside, on behavior, interactions w/other species, natural mortality; also tourism, education, cultural resources, spiritual connections. Win-win, fisheries, environment, and conservationists all win.

Major benefits (huge list, only a few here): Protect ecosystem structure, function, & integrity; improve yields; non-consumptive opportunities, improve research and education etc.

Certain criteria need to be met to be recognized as a reserve like he is talking about: no take (at all) inside, it's replicated, and represents all habitats. How big? Fairly large: 20% of the waters: where got that 20%? Models show should be able to maintain the stock. If only 20% survive, need 5X normal survival, below that is unrealistic and cannot sustain itself. Have proposed 20% to South Atlantic Fisheries Management Council. Thought crazy at the time but there's more impetus now. In ocean since dispersal is not a problem (dispersal is through the water, not equivalent to terrestrial dispersal), reserves should have much better chances in the ocean.

19 marine reserves established in last year in Florida Keys in last year. Reserves seem to work. Fishermen will fish the edges. Also a few studies: Apo Is. and Cape Kennedy in Florida. show that size of fish inside are larger, and also are larger on the outside, the latter was shown at Apo, and at Cape Kennedy many of the world records are taken just outside the reserve. Marine reserves are our insurance, fishermen understand about insurance: check weather, float plans, contingency plans etc. No-take marine reserves are our insurance.

History of land vs. marine ethic (a timeline of changes in ethics and landmark acts of conservation in terrestrial vs. marine environments). We are seeing a change of ethics.

(Jim Bohnsack's talk ends at 11:45).

Questions:

Tory O'Connell of ADF&G Q: Marine reserves should be no-take zones, vs. Molly Ross saying it's a reserve, yet NPS proposal allows sport & charter fishing, sport & charter are significant takes-? Yes, Jim Bohnsack means no take though obviously there are different levels and that's Glacier Bay's and the people here's decision, but even "insignificant" takes may turn out to be very important.

Jev Schelton Q: You said the most important thing is the control, I hope you mean that the important thing is that the control is appropriate, the control can't just be anything. Also: how choose sites: replication, include all habitats, what else? Answer: Should have size; biological integrity; also will the land access will be highly modified?; they wanted private property not adjacent so public owned was important; simple boundaries; proximity to users; proximity to compliance monitoring & enforcement; proximity to fishing grounds; existing restrictions; total harvest protection; recruitment and dispersal patterns. Avoid: high use areas; areas with pollution and sedimentation; highly urbanized areas. Magnusson Act Considerations: Fairness and equity; promote conservation; excessive shares; consistency with fishery management plans; impacts on traditional uses; promote orderly use of the resource; optimize biological production.

Q: Entire life cycle need to be protected? Answer: not necessarily, don't necessarily need to protect larvae. But what if it's a migratory spp, doesn't spawn there?

Al Morin Q: looks like so far in Florida reserves are not deep water, were larger ships like cruise ships allowed, traffic lanes: effects on larvae? Answer: Any vessel over 350' have to stay outside. Concern was grounding of the ships. Do have channel for tourist ship in Key West. Bigger research vessels have to have permits. Also the reserve boundaries do stop at 60 feet depth, at reef line, yes which is a problem though includes all shallow habitat types. Lots of history says there's no support at beginning, but then later it's supported. Also public doesn't accept compromises to allow some fishermen in while the rest are prevented. Goal is NOT no

human effect, we are instead trying to minimize it. Q: spp are in the water column as larvae, do you allow vessels through water column, do they harm larvae? Answer: Probably harm is infinitesimal: it's so small with millions of eggs. These reserves are for people, so allow them in to appreciate and use it.

Jim Taggart Q: what's relationship between essential fish habitat (in re-authorized Magnusson Act) and marine reserves? Answer: Trying to determine now what is critical habitat. Habitat is important and we are starting to recognize that. Sometimes reserves are the only way to know what habitat is like, how trawling for example is affecting the habitat.

Q: FLA has many people, here fewer, and here lots of appropriate habitat: so is Glacier Bay the appropriate location? There are other places like outer coast, Bering Sea-? Answer: Yes, should have all habitats represented and Glacier Bay would be only a start. But does have the land adjacent protected, that's good. But should indeed include shelf habitat.

Ottie Florschultz Q: the Atlantic Council proposal for 20% marine reserves, all had 3 sides accessible. Glacier Bay is a fjord with a small mouth only. So accessibility not true for Glacier Bay and would have to throw it out if choose Glacier Bay. Would still be effective? Answer: maybe, have to see.

Q: a failed marine reserve you mentioned: trawling allowed so failed, also in NZ: did it fail due to lack of public acceptance? Answer: Largely yes but some people used it as excuse to poach. Was hard to do research there at 240' depth, and trawling was destroying it.

Q from troller of winter kings & outer coast: it's a large area. Most examples you gave are on rockfish or reef fish, but here we are talking about banning trolling around coast and in Bay. So seems your work is not applicable: salmon only live 3-4 years., pass through and going elsewhere. Also, regarding marine reserves: how are they formed, Congress, who forms it? Answer: if troll for something truly migratory, does it harm ecosystem? Purely transient species can be important, part of natural process, he doesn't know here. Also: he'd ask: could you catch them instead outside this zone, going in or out? Regarding how created: different ways. Florida Keys: Act of Congress, one of few ground-up issues. State & feds got involved. Others done by Caribbean Council who have authority. Atlantic Council now considering expanding all over. Gulf Council also considering.

Q: Alaska 40 years of state management and track record is very healthy. Salmon are in good shape here. Answer: Yes, Alaska has good reputation for many fisheries, but look at Grand Banks, 800 thousand tons/year and they were caught by surprise. That may have been a case of an unofficial reserve there, there was deep water not exploited till recently and that's when it crashed.

Q: Crowding effect: Answer: so few big areas are protected that this has not been studied yet. Amount of fish produced far outweighs the crowding effect: better off with closed area than with size limit, and your by-catch is less because no size limit, so in handling, don't have handling damage.

Dale Kelly asks Jim Bohnsack to reconsider his example of Georges Banks, which failed for a number of reasons: pirate fisheries, no management plan, even environmental. Reasons, so many of these not applicable to Alaska. Here with salmon we are above 20% and other species have very good plans. This is different. We want to know real goals and objectives of a reserve. Answer: a reserve is not to replace other management strategies, it is also, it's a different way of doing some of fish management. Yes to your points but there are lots of other examples of failures. Point is: we don't know, so protect, and don't know till protect it. Dale Kelly: that's scary with people dependent on the fishery when you say you don't know what will happen.

Bill Q: same as Dale Kelly: as Alaskan fishermen we think we are smart enough not to take everything that's there. Most of your points seem not to apply to Glacier Bay to him. Did you say this is best to apply in mode of correcting a problem? Answer: No, should be done on

principle. Also: did you say: appropriate from point of view of science that there be a demonstration that any activity does not have an effect? Answer: regarding Alaska manages well: ok, but this is not a replacement, they are compatible approaches. There can be local depletion. Also, with traditional management can get genetic overfishing: removing smaller sizes, certain behaviors. Regarding proving that salmon fishing does not have an effect: is what you are doing affecting the natural balance? Yes, if you have a natural area, the onus should be on proving no effect, that's his opinion.

Q: 40-yr. track record of increasing health of stocks in Alaska, why would we want to go back?

Answer: 40 years is not a long time. Also note that the most healthy stocks back East are in Menhaden, where 40% of the area is no fishing, for tourists, and that stock is doing great.

Q from Joe Emerson fisherman in Glacier Bay: born in Bermuda. Feels Alaska is different. Thinks should establish marine reserves first where established problem rather than where none shown. More important in areas with problems. Answer: I hear you saying: "We should wait to see smoke before buying insurance" No: I'm saying "Don't throw water on a house that's not burning" Jim Bohnsack: but don't know ahead of time which will burn. So you don't know where to buy insurance. Do you only want marine reserves only where the fish have crashed?

Jim Bohnsack feels he's hearing a number of people essentially saying: NIMBY (Not In My Back Yard): yes it's a good idea, but do it somewhere else. Also: he thinks it may be like fencing the range: out west now there are boundaries, fencing all areas, no longer wilderness, this attacks very essence of fishermen: saying it's civilized, like moving from hunting to farming.

Ron Q: some cases marine reserves have been established in cooperation. Problem: boundaries: this doesn't necessarily create biologically integral boundaries. Q: Glacier Bay doesn't fit ecological integrity that you are talking about. And false boundaries may create more problems than solves. He thinks not.

Molly Ross Q: you've been through the wars. Parks usually try to protect whole ecosystems . Marine reserves are an essential tool to preserve ecosystem, so far not done a great job, probably because we did not know better, now we do. But Molly: what about species interactions? Questions beyond fish themselves. Answer: Aldo Leopold: Biotic system is like a clock. To preserve the system need to save all the parts.

Dale Kelly: I do not want you to think Alaska fishermen fear the corralling of the West, we already have off-limits no-fish areas and no specific gear types. Alaska has highly regulated fisheries, we are not afraid of regulation. Answer: Yes, understands that. But back East also tightly regulated, no trap zones etc., but often find are overfished when we think not.

Chip Dennerlein Q: regarding science, but AK is different. From scientific perspective he'd like to see the statement "But AK is different" addressed. Salmon do move around, but we have crab that don't, let's say what we mean that "Alaska is different". Are we so different that there's no value to no-take reserves, in order to see our ecosystem in context?

BREAK FOR LUNCH at 12:40, to reconvene at 13:40.

Fisheries Presentations ADF&G/NPS/BRD

Reconvene actually at ~14:00.

Halibut presentations: Bob Trumble, senior scientist at IPHC and Philip Hooge with Glacier Bay Field Station USGS-BRD

Bob Trumble: background on how halibut are managed. Start with basic biology. Flatfish. Adults spawn on outer continental shelf, the flat part to deep part, spawn, embryos float, drift and rise gradually, 6 months later take on flat shape and settle to bottom hundreds or even thousands of miles from spawning: move lots! Summer feeding is throughout coastal and outer

shelf Alaska = where caught (i.e. they are caught on their summer feeding grounds). Spawning is fewer areas, spottily in Gulf of Alaska. No harvest allowed at this time. Eggs and embryos drift N&W generally. In juvenile age, 2-8 years, they now migrate counter to general way of drift, now migrate roughly S&E, back from the areas of metamorphosis, to as far south as WA and OR. Move long distances to counter egg and larval drift to general area/direction of original spawning. Equal opportunity for halibut to mix largely, breaks down genetic specialization.

Halibut harvest is exclusively hook-and-line. Long-lines with gangions with hooks. For IPHC research: measure length & take otolith for age, take sex, do tagging with coded plastic wire tags inserted into opercular cover of fish, averaging 10% tag returns from fishermen.

How to set quotas and manage fisheries. Get catch from fish tickets from dealers; get CPUE (catch per unit effort) from fishermen; market samples: age composition, length & weight at age; research surveys for CPUE, age composition and length at age, wt. at age; NMFS observers: observer data, by-catch mortality. Calculate out: Choose 20% of exploitable biomass as target, but first subtract sport, wastage, by-catch and personal use amounts. Commercial fish get the rest, bottom of the list, lowest priority. May be majority, down to only 1/3rd of the 20% estimate, depending on location.

Regulatory areas: Glacier Bay is in 2C, Southeast AK. Areas are set up so overall harvest is taken in proportion to the amount of biomass available in each area. We are concerned about local depletion, but on a large scale – and so we force fishermen to move farther away. Still, in smaller areas like Homer, Kodiak, Sitka Sound, Glacier Bay: areas are much smaller scale than our statistical areas. We know there ARE local depletion problems: in Sitka and in British Columbia for instance. When quotas are set, it is based on overall biology of the species. Health may be excellent overall but quantity locally might be very small. That's not a RESOURCE issue for IPHS, that's an allocation issue. IPHC is for overall management, they are to stay away from small-scale allocation, per the treaty that formed IPHC between U.S. & Canada. The U.S. and Canada can take additional actions that are more restrictive than IPHC but cannot conflict with IPHC regulations.

Quantities: catches from '93-'97, declining trend, then a jump in '97: discovered some new biological information and incorporated that into their models, and discovered that the exploitable biomass was much higher than previously thought, therefore the quotas were increased.

2C: declining, then jump to 10 million lb. in 97. Recommendation: 12 million lb. for '98 in Jan. at Commissioners' meeting. Now halibut is in excellent condition overall, in numbers and health, record numbers of catch.

Philip Hooge: ecological studies and commercial harvest.

Data pre-IFQ (individual fishing quotas) in the derby style fishery, taken from planes and boats looking for skate locations. 1992: approximately 100 boats. 1993 mostly lower Bay, ~50 boats. 1994: ~65-70 boats. Halibut effort mostly '92-'94 in lower Bay and mouth of Dundas Bay. Thinks this data is very inclusive: lots of effort put into the surveys.

Started wire tagging in 1992. IPHC sub-statistical unit 184 = just Glacier Bay interior waters. Harvest levels in pounds in Glacier Bay from processors was reported. Glacier Bay is smaller amount than Icy Strait or outer coast areas. These data show stable takes including 1996. Number of vessels reported fishing in Glacier Bay also stable. (these are contrary to data shown later)

Will talk about movement data; one aspect of habitat selection: chronosequence; and some other ecological relationships. One important thing about Glacier Bay: it's unique, fjord estuarine, broad range of oceanographic conditions, topographically diverse. Some very deep: 100 fathom water, up to shallow sills. Some of this may be very different from what halibut are

doing on outer continental shelf.

Size of halibut home range greatly affects their ecology and any reserve size potentially. Sonic tags were put on 105 halibut, first external, now internal. A couple km range for hearing them, maybe up to 1-2 nm. Use hydrophone on vessel to track them. Unique ID for each fish, can localize fish very closely. Have very small home ranges, especially larger halibut. One e.g.: less than ½ a sq. km. Different sizes of home ranges. Draw lines around all points used. But actual area used is even smaller than if you draw a line around all the points. 95% of the time, in this one e.g., the fish was using an area 1/10th of a sq. km. The home ranges often abut but do not overlap. Sometimes we saw shifts in home ranges right after derby-style openings. One individual example: near mouth of Berg Bay during salmon run, shifted after salmon stopped to a broader area. Smaller fish have larger home ranges and vice versa. Overall, three different movement patterns seen: 1) Hardly move at all, very small range. 2) Small home range and occasionally break out and move around, then sedentary again. 3) Tend to be smaller animals: move from hot spot to hot spot.

Between-yr. site fidelity. 1992: 6 halibut tagged with longer-life tags; next year five of them back within 1 km. After all data (involves a larger number of multi-year tags): find ~50% return one year, ~25% return two years, ~12% three years. (i.e. about half return each year). We know there's ~25% mortality from returned tags. Other 25%?: don't know. 15% over winter in Glacier Bay—interesting: spawn there possibly?

Wire tag returns: 85% of the returns from ~1600 wire-tagged halibut tagged in Glacier Bay were retrieved in Glacier Bay, 10% in Icy Strait, 5% elsewhere. That 85% increases to 93% returns if only look at those fish tagged in the upper mid-Bay. Another piece of evidence that halibut are staying put: Age frequency distribution is a nice bell curve in Area 2C overall, but in a smaller area like Glacier Bay there is distinctive age structuring which is maintained even though not over larger area (so aren't moving much).

Chronosequence study: long-lines set up and down Glacier Bay: Halibut density caught: high numbers in lower and mid Bay. Then gradual decline up West Arm – looking like a straight effect of time since deglaciation. But in East Arm, numbers went up and down. Believes oceanographic parameters affect it: sedimentation, not just time since deglaciation. West arm is lowest density overall. East arm has some areas of higher density.

Two patterns: Site fidelity w/small home ranges, these are larger individuals, and spatial density was homogeneous. Different than longlining data, which show: more spatial homogeneity. Hypothesize: Sit and Wait predators: larger fish, small home ranges, low spatial heterogeneity, foraging specialization on larger fish. Vs: Active search foraging: less fidelity, larger home ranges, smaller individuals, high heterogeneity, broader eating: whatever they can find including shellfish.

In 1996 we got double the wire tags of any previous years, when should be declining since it's been longer since we put on most of the tags. Previous estimate: around 20% harvest, first year of IFQ 1995 got drop, then doubled in 1996. Looks like the effort under the IFQ system is increasing in Glacier Bay, although the reports don't say so.

Novel results of Glacier Bay work: ontogenetic diet shifts; limited home ranges; inter- and intra-year site fidelity; effect of oceanographic conditions on distribution of adults; and ????? (missed the rest).

Management implications:

Small home ranges and site fidelity: Potential for local depletion. Increased possibility of zonal management having an effect. Assumptions of halibut management models may be violated.

Dichotomy in Behavior: "Behavioral refugium" – if are not foraging right now, then don't get caught on the longlines.

Questions from audience for both Bob Trumble and Philip Hooge.

Q from Al Morin to Philip Hooge: how many of the wire tags did you get back? Answer: of ~1600 put out, ~10% were returned to the IPHC. Of this 10%, 85% were caught within the Bay, 10% in Icy Strait, 5% elsewhere. Q from Al: So what happened to the other 90% of the tags that weren't retrieved – is it possible that they all left and were never caught, that's why you didn't catch them because they left? So in other words 90% of the fish leave? rather than 85% have these small home ranges and stick around for years? Answer: No, that's not very likely ... extended discussion of what conclusions we can draw.... Al: but you are targeting the fish that have stayed by trying to recapture them only in Glacier Bay ... Answer: we aren't targeting anything, and these data aren't from our recaptures but rather from the IPHC from fishermen all over who return the tagsIPHC's Bob Trumble says that their statisticians would have to examine data before vouching for it, but in general since there is much more effort in Icy Strait and on outer coast than in Glacier Bay that you'd expect more of the tags to have been picked up by fishermen out there if the halibut were in fact moving out there, and the fact that they haven't lends credence to these data ... Bob Trumble says yes they (IPHC) have caught fish again right on same spot originally captured, and majority are within 50 miles of original capture.

Q from Ottie: which way was the discrepancy in years: Answer from Philip Hooge: some years we saw 96 boats in Glacier Bay but only 45 were reported at the fish buyer. Second question: spike in '96 catch was based on wire tag data, is that how IPHC estimates biomass? Answer from Bob Trumble: No, use other data to get biomass estimates.

Q: re: Sonic tags: could the tag have been eaten and you're following another fish? Yes, but seems unlikely since halibut are top predators (also the tag would pass through the digestive system); we labelled a tag as dead because it stopped moving around (or a very few, 1 or 2, were returned to us, they are very difficult to see when cleaning the fish and usually get discarded with the guts).

Q from Jev : seems like a big stretch to jump from small home ranges to probabilities of local depletion. Answer: Philip stands by the statement that small home range increases the susceptibility to local depletion. Jev: that's not what commercial fishermen find. Philip: tell that to Sitka, where even commercial fishermen say it IS happening. Jev: but at beginning of each year they're back Philip: no, they aren't: ask Sitka's commercial fishermen. Dave Hanson intervenes.

Q: How long did you follow each sonic-tagged fish? Answer from Philip Hooge: depends on length of battery: some 13 months, others 3 years.

Q from Chip Dennerlein NPCA: North Pacific Fishery Management Council is about to take up local depletion big time. IPHC will advise but local data not very good so not so confident. Chip: "the resource is OK" means that just that stock is OK, right, not the ecosystem for instance? What is the resource question the IPHC does: has to do with just the stock of the species in question, right? Answer from Bob Trumble: right, we are solely concerned with the halibut stock.

Q from Jev : to IPHC: do you have any reason to think spawning can happen in Glacier Bay? Answer from Bob Trumble: no reason not to think it, but we've never tested it. Could be happening, but probably isn't important over the whole coast spawning population, though might be very important locally.

Now the State will present data, by several ADF&G biologists, starting with:

Scott Marshall, ADF&G. Intro: History and vision of ADF&G.

In Southeast AK, 40% of private sector income comes from fishing. Great dependence of locals on the resource, including for subsistence. Early history in 1800's was controlled from San Francisco, and management was non-existent. Salmon catch in 1920's-'30's peaked, then hardship years after state management in '50's till '70s, now catches higher than ever.

Alaska constitution's mandate: fishery resources SHALL be: developed, maintained, utilized. Based on the sustained yield principle. Who catches is subject to preferential uses. Legislature's vision: Citizen Board to set policy, Department to implement daily management. Created local advisory committees to the Board and Department Protected salmon habitat. Created Commission.

Alaska Fisheries Board -- writes all regulations; 7 members appointed by Governor, no pay, open public process, accept proposals from public and Department and act on each proposal. 3-year rotation. May allocate use, but must use specific criteria.

Advisory committees, throughout Southeast Alaska, develop proposals for the Board, review and advise the Board on received proposals.

ADF&G has Commissioner: 5-yr term, selected by Governor from Board list. Manage, protect the resource in interest of economy and well-being of State. May open or close seasons or area, search seize and arrest, and to delegate down line of authority.

Area and regional management: professional biologists: delegated management authority and responsibility. Not subject to Administrative Procedures Act. Neutral on allocation issues. Live in local communities. Strong conservation ethic – daily application of precautionary principle. Rely on science as professional biologist. Much local knowledge. Get public trust: good communication, judgment, commitment, communicate.

Sustained yield, constitutional mandate: process requires conservation mandate, science to establish production potential, a public process to establish a target. As a plan, sustained yield is the conscious application of management principles to achieve specific result. Result: long-term harvest in the face of environmental uncertainty.

Regional management program: management program for each species has own history, affected by many factors. Cooperative management: priorities: identifiable conservation concerns; relax management to better approach maximum sustained yield; to develop needed tech; to address political or cultural etc. issues; general scientific interest.

Opportunities for cooperative management and stock assessment: Funding is critical. Fine scale harvest and effort: via logbooks, fishery overflights and patrols, skipper interviews. Also habitat inventory and assessment. Bathymetric mapping, substrate mapping, physical and chemical oceanographic research and monitoring. Also population biology: distribution and abundance, life history and productivity. Also community ecology: interspecies interactions (e.g. sea otters-inverts-kelp).

In-active fisheries in Glacier Bay proper: shrimp; herring; clams (hard shell); dive fisheries: sea cucumbers, sea urchins, geoduck clams; salmon various.

Statistical areas: confusing. 16 or 116 = outer coast areas, including more than just Park waters; 14/114 is Icy Strait region (including Glacier Bay and other waters not part of the Park), and Glacier Bay proper has at least one big subdistrict of 114. So getting precise data can be very hard. Groundfish have different statistical areas. Often we pool areas to get more accurate data.

Commercial salmon seine fisheries: none in Glacier Bay proper, only Excursion Inlet: fall chum salmon, mid-Aug. to early Oct. (August in 7 of the last 9 years). Goal: in-season run strength assessment to achieve adequate escapement. Very variable in time, are short in duration, 9-15 hours total. Recent catches lower because in 1985 moved boundary up so not catching fall chums for Lynn Canal and Taku River. Now mostly all Excursion Inlet fish.

Dave Gaudett: Salmon troll fishery: See handouts. Vessels and gear. I will emphasize both Chinook and Coho, though other species are caught by troll. In Park, two others also: in the experimental fisheries the pink and chum can be targeted. Vessels: power and hand trollers.

Gear: 4 power gurdies, 2 hand gurdies, or 4 fishing poles. Terminal gear: hoochies, plugs, herring. Gear is off the bottom. Very little bycatch. Both types of gear are limited entry.

Management and stock assessment: manage populations on biologically-based escapement goals. Use: coded wire tags; weir operations; foot and aerial surveys; overflights in summer but not winter or spring. Port sampling for catch rates, confidential. Fish tickets. Feedback from area management biologist and fishermen themselves.

Coho salmon: second least numerous in Alaska; use all sizes of streams. ~2500 streams in Southeast Alaska, majority are small with several to 100 fish. There are several populations in Glacier Bay, and troll fishery does do mixed stock fishing on them. Coho: fish mostly for them as they enter Cross Sound/Icy Strait, some fishing in Glacier Bay but not much.

Coho management: want escapement adequate, provide maximum harvest opportunity. Can't retain any Coho till June 15. ADF&G assesses in late July, assesses again in August, can close either time. They manage for numerical escapement ranges, typically exploitation rate 60-80% while achieving the goals. Based on Berner's River data, 17% of Glacier Bay proper fish are exploited on the outer coast before Cross Sound.

Chinook. Largest, least numerous, only 34 rivers in Southeast Alaska: large rivers, no documented spawning populations in Glacier Bay. Migrate long distance: caught as far as from Oregon. Stock composition: 1985-'96: Canada 50%, 30% southern U.S., rest are Alaska stocks. Chinook management objectives: achieve Pacific Salmon treaty quota; maximize harvest of Alaska hatchery Chinook; continue the Southeast Alaska and coastwide rebuilding program; achieve allocation from Board of Fisheries; minimize incidental mortality of Chinook; comply with the conditions of the ESA (Endangered Species Act) incidental take permit.

Chinook: present year-round in Southeast Alaska, begin counting program in Oct.: Oct. 11 thru April 14 or till 45,000 caught: that's winter quota. Spring: target on hatchery early May through June 30. Summer fishery: starts July 1 and harvests 70% of the remaining quota. CPUE data from summer opening is used to determine final abundance. Fall opening targets the rest of the quota.

Glacier Bay and Icy Strait summer troll fisheries. Summer Chinook fishing is mainly outside of Glacier Bay proper in Icy Strait and Outer Coast area. We don't fly over Glacier Bay because we know so few there. Number of permits and catches in Icy Strait and Glacier Bay have dropped mostly due to reduction of handtrolling. Outer coast: #permits and catches stable.

Glacier Bay and Icy Strait: winter troll fishery: none on outside. Not possible to separate Icy Strait from Glacier Bay catches. 60-146 permits have made a landing since 1981. Chinook catch #: 1,400-18,000. CWT sampling data shows that a high % of Chinook are from Alaska hatcheries (from port sampling and questions).

Glacier Bay and Icy Strait = 16% of Southeast Alaska winter troll fishery comes from this area (Icy Strait and Glacier Bay), so is important.

Tim: Dungeness Crab: gear is pots and ringnets and divers (divers not significant). Vessels: limit seiners, large gillnetters, fast skiffs.

Dungeness Crab fishing locations: mostly Beardslees and Berg Bay and Dundas, also Gustavus Flats and Excursion Inlet. 21 permits '96-'97; 38 = average over 10 years Glacier Bay proper only: 12 in '96-'97, same (12) for 10-yr average. 3.3 million # harvest from all Southeast Alaska waters (average over last 10 years). 218,000 lb. average from Glacier Bay proper = 7% of Southeast Alaska total. 6% from all Icy Strait, 7% from all Outer Coast.

Management: Superexclusive vessel registration (can only fish in one area each year). Limited entry program (308 pot permits). Gear limits: tiered pot system (maximum 300 per vessel). Unlimited number of ringnets (only 8 permits for ringnets)

Seasons: summer: June 15- August 15; fall : Oct. 1- Nov. 30. Male only harvest, minimum legal size 6.5 inches so they can reproduce for a few years before capturable. In-season management: Fishery overflights to record effort distribution; harvest record verification. Fish tickets; industry reports; port sampling: size structure, shell condition, average weight.

Stock assessment: historic fisheries data = harvest data & stock structure (sizes & recruitment). Pre-season survey (new: Stikine area only): Shell condition (soft vs. hard), catch per pot, stock structure.

Economic value: Southeast Alaska: \$7 million; Glacier Bay: \$400,000 dollars = 6%, Icy Strait = 6%; Icy Strait: 11%. Looks like outer coast is decreasing, almost doesn't exist; has been bad for last 4-5 years.

Q from Chad Soiseth: Q regarding handling damage and also regarding rumor of altering season because of soft crabs' being damaged during summer. Answer: Yes, but complicated because there are many small boats, bad for fall weather; also ice over the grounds so the grounds become inaccessible due to ice on top. Also, they are mating in fall so looking at late fall into winter. So will be very complex to alter this: need to make other concessions.

Naomi Sundberg comment: if we find soft crab we move elsewhere because we can't sell and they weigh more if hard. So we have economic incentive plus interest in keeping the fishery healthy.

Deb Woodruff: I remember we had a 6-week closure in middle of summer season, to protect crabs while molting. We are very sensitive to weight of crab. Can't use if have no legs, our buyer is very picky: we probably return more crabs in Bay than others.

Doug Whidbey: Tanner crab: Fishing locations: central Bay is according to their data and NPS says also up-Bay and Beardslee (not major). Also fish for Tanner out in Icy Strait. Note that statistical areas do not correspond with Park boundaries. Vessel types: limit seiners, gillnetters, tenders. Gear: pots mostly, few ringnets. Harvest: 192,000 # average from Glacier Bay, 10% of SE total by 4-30 permits. (average from last 10 yrs.' data). 1.9 million lb. total average for SE AK. Icy Strait = 15%, by 10-25% of the permits. Outer coast=<1%, only to Cape Fairweather. Of the Glacier Bay numbers, well over half comes from the central part of the Bay.

Regulations: superexclusive vessel registration. Limited entry: 97 permits: Gear limits: 80 pots/vessel, 20 rings/vessel. Male only, 5.5 in. minimum size. Maximum harvest: 2 million #. Logbooks required, season begins Feb.15 = winter fishery. Now usually open less than 10 days per year.

Goal of management: sustained harvest of <60% of legal males. Do preseason assessment. CPUE model to estimate pop. size, catch rate analysis to set fishing days, survey piloted in 97. In season management (Feb.): Fish tickets – harvest; fish logbooks; overflights; and?? (missed it)

Stock assessment survey: preseason survey, pilot study in 1997: catch per pot; stock structure: recruitment, legal males, females, future recruitment. Pilot was done out by Pleasant Island, south of it.

Economic value: Glacier Bay proper: \$0.4 mil = 10%, Icy Strait: \$0.6 mil. (15%) outer coast is confidential.

Dan Foley Q: can you get ring data separated out by tomorrow because he thinks the local effort using ringnets is much greater for this local community than in other areas in SE AK. Yes, ADF&G will try to bring that tomorrow.

Ottie Q: if lose Bay (if Bay were closed to Tanner fishing) would the 2 million lb. quota stay same or would be reduced by that percentage? Answer: for conservative fishery we would have to reduce the quota by that amount.

AI Q: is a Tanner crab fisherman in Glacier Bay: 10% is not accurate because last few years a higher % of Tanner crab has come out of the Glacier Bay/Icy Strait area, recently is higher than the 10-year average. If we lose Glacier Bay proper, would displace ~20 boats out of Bay to fish other areas where other people are already fishing. The number of boats now is like 60% of the all boats in Glacier Bay and Icy Strait now. ADF&G response: yes this could be true.

Tim: King crab, shrimp and scallops:

King crab: pots only, a winter fishery, red & blue king are fished. 1500 lb. average from Glacier Bay = < 1%, by 2-4 boats.

Shrimp: Glacier Bay closed early '80's for ESA humpback whales. Adjacent waters: pot shrimp: Oct. 1-Feb. 28. Otter and beam trawls: closure effective in 1994. Pot shrimp harvest and effort: 612,000# from all SE AK waters, average over last 10 years 1,700# from Icy Strait by 1-6 boats, 4,600# from outer coast (mostly at Lituya Bay) by 1-12 permittees, both of these are <1% total from Southeast Alaska.

Weathered Scallop. Season: July 1-Feb. 15 or till quotas met. Gear: very specific (lots of investment by fishermen into specialized equipment): scallop dredge = made of rings like chain mail. Manage jointly with North Pacific Fishery Management Council. Locations: both in and out of the Park waters and out the coast, on either side of Lituya Bay. Maximum 10 vessels in the state. Average 3 permits fished in statistical area 16 per year. Scallop harvest: Plan allows 35,000 lb. quota from outside coast south of Cape Fairweather (<1% of state quota). Average of 25% of this 35,000# is taken within the 3nm boundary. Scallop stock assessment: historic fishery data & observer data. All vessels are required to have an observer on board: record size/age, detailed harvest rate, detailed locations. In future: use new data, also will do dredge impact study.

Chad Soiseth Q: likely for shrimp fishery in outer coast and Icy Strait to increase? Answer: Markets are very good right now. So the market is there.

Tory O'Connell: Groundfish: Pacific cod longline, lingcod dinglebar, sablefish longline, demersal shelf rockfish = not so much that directed fishery as bycatch of rockfish in the longline halibut fishery.

Pacific cod fishery: year round, is a long-line fishery. Has higher price in fall. 8 permits in Glacier Bay in '97, average 3 per year over the last 10 years. 47 permits in Glacier Bay and Icy Strait in 1997 (average 26 over last 10 years). Locations: Glacier Bay confidential in '97 (?) = 3 or fewer vessels. Most effort is in Icy Strait south of Pleasant Island.

Lingcod: directed season: May 1- Nov. 30. Gear: Dinglebar troll (mechanical jib that touches bottom to attract the fish) – only gets Lingcod, therefore very "clean". Bycatch: lingcod are also caught in the halibut and groundfish longline fisheries. And in salmon power troll. Fishery moved from southern Cross Sound to outer coast in '94-'95. 35 vessels in the directed fishery in past 10 years. Bycatch vessels take mostly small harvest (~150 vessels in last 10 years.) Have a behavior of following hooligan on outer coast and a few vessels happened into them there, pure luck, not predictable and the lingcod were not there a few days later.

Sablefish: limited entry Sep.1-Nov. 15. Longline only, no harvest in Glacier Bay proper, most effort is Chatham Strait. No outer coast fishing is allowed since IFQ fishing was started.

Demersal shelf rockfish: most = by-catch in halibut longline fishery: March 16-Nov. 15. Directed: none in Glacier Bay, very little on outer coast. From Icy Pt. to Khaz Head has been closed to directed fishing for last ? years.

Q from Randy King: how long-lived are lingcod? Answer: Not so long, ~20 years. Do this nest guarding in winter. Young move around lots though some are residential: that research done by British Columbia researchers.

Lingcod habitat: are they hooligan-following because it's lingcod habitat? Answer: They move a lot, not predictable. Harvest is based on take per unit of habitat, she went way more conservative than same numbers as Washington and Oregon where they had problems.

Adjourn at 17:50 (no panel discussion).

Questions/Discussion held at time of presentation

Participants and visitors from sign-in sheet and agenda introductions. Listed alphabetically and will not be complete if individual did not sign-in or came to the session late.

Bob Barbee
Diane Bigge
Jim Bohnsack
Rob Bosworth
Jim Brady
Judy Brakel
Daniel Brand
Wanda Culp
Tina Cunning
Chip Dennerlein
Joe Emerson
Ottie Florschutz
Dan Foley
Dave Gaudet
Tom Gemmell
Sally Gibert
Judy Gottlieb
Kenneth Grant
Jeff Hartman
Jack Hession
Richard Hofmann
Elizabeth Ross Hooge
Philip Hooge
Greg Howe
Ken Imamura
Heinrich Kadake
Dale Kelley
Randy King
Bart Koehler
Gordon Kruse
Stan Leaphart
Scott Marshall
Beth Mathews
Andy McGregor

Albie Morin
Mary Beth Moss
Joseph Muir
Joan Neal
Chuck O'Clair
Beth Marie O'Connell
Tory O'Connell
Pat Phelan
John Quinley
Sally Rue
Jev Schelton
Mike Sharp
Tom Shirley
Allen Smith
Chad Soiseth
Liz Solomon
Ron Somerville
Greg Streveler
Naomi Sundberg
Kathy Swiderski
Kathy Swiney
Jim Taggart
Jim Tilmant
Tom Traibush
Bob Trumble
Bruce Weyhrauch
Jim Woodby
Deb Woodruff
Glen Yankus

Contact: glba_webmaster@nps.gov

Last update: August 28, 2006



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Glacier Bay Commercial Fishing Workshops

NPS Summary Notes

Glacier Bay National Park Commercial Fishing Workshop

February 3, 1998

Federal Building, Juneau Alaska

NOTE: These are informal summary notes. They are paraphrased, not verbatim and may contain factual and contextual errors and/or omissions.

Workshop Overview and Introduction

Meeting began at 9:50 am. Dave Hanson welcomed everyone on behalf of the National Park Service, Glacier Bay National Park. He explained his role in the proceedings, the format of the meetings and the reason behind the workshops. "To provide opportunity for public discussion and information exchange concerning commercial fishing issues within Glacier Bay National Park." The workshop will include information on the alternatives to be used in the Environmental Assessment (EA). Meetings on the EA are scheduled to happen in April in several communities in Southeast Alaska. The April meetings are formal Public meetings to take testimony for the record.

Today's workshop is to provide opportunity for public discussion and information exchange concerning commercial fishing issues within Glacier Bay National Park. The workshop will include information on the forthcoming Environmental Assessment, including a look at the history of fishing and other economic activities in the park over time as well as current conditions and visitor use patterns.

Presentations are scheduled to end at 3:30. After a quick break the AKDF&G working group will reconvene for a short meeting to disseminate information prior to the meeting scheduled tomorrow.

Introductions were made around the room. (See attached list of attendees compiled from sign-in sheets and introductions.)

Overview of NPS Rulemaking Process/Goals

Jim Brady expressed his appreciation to everyone for their efforts in a long wearisome process. He feels that formally and or informally things are coming into focus that will make a difference and will lead to a decision.

Molly Ross welcomed workshop attendees. Outlining her role, she is to provide a national balance to the discussion; a national reality. She listens and takes information back to Washington, D.C. She does not know how it will end; working through the issue. She is impressed that new ideas are still coming forth.

Pointed out that GLBA is a national park. By law it is to manage resource protection unimpaired

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while providing for visitor enjoyment. Commercial Fishing does not fit into this mandate. So, the burden is on the fishermen to make a case why there should be fishing in the park. Tough assignment. That is the national issue to grapple with.

Also, fishing continuing may not happen. She doesn't know, but, fishing may not continue in certain areas. We need information on compensation programs. Need to be fair to those fishermen. Need to determine what would be fair. What provisions are needed to assist in the transition? Need to look as an alternative to be considered.

These have to be factors in a fair decision for all. Don't lose faith but begin looking and asking what fair compensation is if fishing is phased out.

Jev Shelton noted that it appears there is one clear-cut side and another side that may not be quite as clear. NPS clear with the note taking and mail-outs and information dissemination. 'Fishermen' may need to have the 'other side' comments to be more precise and clear. Dave suggested first thing the first day of the ADF&G working group meeting for a presentation. Jev prefers that the comments be part of this record for the NPS workshop notes; whenever they happen. Would like to lie out detail and philosophy; be part of record of the park. Molly pointed out that there will be a part in the Public Hearing process where transcribed for formal opinions and presentations. These workshops are set to be informational. The hearings are part of the formal record. Jev would like to gather concerned representatives and information and work out a presentation. Merit to beginning with a broader source of information.

Added to the agenda a presentation by Jev representing the fishing members concerns to be included in this record to balance the one-sidedness of information.

Managing Park Resources-NPS Mandates and Park Objectives

Jim Tilmant, Chief of NPS Fisheries Program, Division of Water Resources, Washington Office (Ft Collins CO) on managing resources. One thing he heard a lot, if the state is doing a good job maintaining stock and fishery, why is that a problem in the park? Why have problems with a well-managed fishery? Managed fishery vs park service mandates and goals. What are the mandates for the park? What are the legal obligations to manage those resources and how does commercial fishing fit in? Park mandates as required by the Organic Act, enabling legislation, ANILCA to manage the resources undisturbed as much as possible but also provides visitor use and scientific use. Glacier Bay faced with what to do within that mandate with no specific line as to how much use is allowed in mandate. How much use and impact is acceptable? To meet it's mandate of use, the park will allow some impact to occur. It is a political decision that defines what is allowable. Science can define how much impact or what future will be but can't tell you how much to allow to meet a legal mandate.

The biology of populations in terms of growth. Populations beginning to grow initially will be slow with not enough individuals to grow. Takes an over abundance of resources for that population to grow. Mortality low in population. As it continues to grow, steeper curve occurring, more fish able to reproduce, still enough resource to assist in growth. Annual recruitment of animals to population exceeds the mortality. Populations don't grow indefinitely. Mortality factors will come in; scarce food, habitat decreases, etc. This population will reach an equilibrium level. At carrying capacity level, mortality rates roughly equal to recruitment into the population. Anything that causes a decline in the population, like fishing, the tendency for the population is to start producing to reach the carrying capacity once again. As you begin reducing populations more and more, higher, excess recruitment does not have as many animals available to reproduce. This tendency to reach capacity again forms the basis of fisheries management. Population growth curve varies with the characteristics of the species. Density is a factor for the number of population to increase. There is some lag time to allow time to increase population.

(Jim showed samples of different fisheries not specific to Glacier Bay.)

Effects. As move down a population curve and reach an equilibrium state it affects the characteristics of the population equilibrium biomass that is available within by age group. The fishing mortality rate ends up losing older group, a change in biomass and age distribution. Implications to managing fishery: direct change in biomass can represent loss in organic matter, compensatory, age structure that impacts food chain, genetic diversity would be lost, carries through ecosystem.

Managing a fishery/park. How much alteration and for what purpose do you allow along the equilibrium curve? Recreational harvest changes and impacts, commercial harvest further impacts - need stock for future fishery. It is an unnatural fishery when harvest.

Patrick Mills: Ecosystem, commercial harvest, recreational harvest, the Hoonah people believe that one cannot separate subsistence from commercial. Too many unknown factors. It used to be an 8 year cycle; now sea otters are introduced to further influence harvest. Ecosystem harvest, seals in Glacier Bay that eat with no limitations. His father was born in Dundas Bay and lived in Bartlett Cove, sea otters would devastate the shell fishery. Bell curves not taking into account the natural predator as they are allowed to go unchecked.

J.T. Response: Introducing a new predator that increases an additional mortality factor would be an additional factor. Over long term of time the population may be able to respond to it.

Rob Bosworth: The board of fisheries is allowing for the most flexible impacts for management.

Dave Gaudett: Populations do fluctuate along. Stocks can decline. Harvest the excess production. Adjust levels of escapement to sustain a certain level of recruitment.

Bruce Weyhrauch: What of demonstration based on Glacier Bay?

J.T. Response: Theory mostly. Do know about actual fish to show as examples. Does not know if any available for Glacier Bay. These examples are not from Glacier Bay. It shows the management of fish stock to reach maximum sustainable yield.

"Parks population at carrying capacity. State fishery population is maximum sustainable yield."

Jev Shelton: Theory, difficulty is in the application. Dealing with a closed population rather than partial population. Assuming that dealing with a population that has no harvest introduced. Set of consequences; fishery exploitations.

J.T. Response: The effect of fishery turns out to be: managing for optimum yield less biomass and population. Maximum sustained yield may not have an effect on numbers/biomass but age.

Jev Shelton: Species specific evaluation. Once get to fisheries and population, no longer theoretical. A different set of criteria if an unfished population and an ongoing fishery.

J.T. Response: Long term data shows that there will be change in the species.

Scott Marshall: Some viewpoints/concerns are based on the assumption that man's intervention is somehow unnatural. Go back in time and man has been a part of the ecosystem routinely. Mortality rate from man has always been there on some level. If man induced mortality is stopped, then changes are unnatural?

J.T. Response: Other things come into play. What impacts are deemed appropriate?

Greg Streveler: Make a reserve no take area. How decide after the fact criteria to manage?

J.T. Response: What is the purpose of the reserve? Reproduction potential? Define the natural condition, then monitor. Feels that, yes, could do that in response to Greg asking if able to.

Jim Taggart: Yes could do that with a number of species that the information is available.

Bill Brown: A demonstration of a fishery management approach; a status on fishery management. What is a park about is the question. Cultural fisheries accommodated in outer waters; how much cultural infusion accommodation is required in Glacier Bay given the mandates and laws given to the park?

Joe Emerson: Confusion on part of fisherman as to what is the park doctrine, management and what is a natural environment? Distorted view of nature, people have been around for along time and species have evolved to some level of human predation. Creating an artificial environment by taking the human predation out. Taking man out creating an artificial environmental.

Bart Koehler: Regarding Molly's earlier comments. Preserve resources unimpaired. We all have a different definition. Somewhere, science says what it is, politics determines where it is. Question is, can we say commercial fishing impairing Glacier Bay at this time?

J.T. Response: What is the definition of impair?

Molly Ross: These are our issues and problems. What is unimpaired? As mandate shows, the fundamental purpose of all parks. NPS Organic Act – no commercial exploitation. In general, no hunting in terrestrial parks except some Alaskan parks and preserves. Seeking fullest genetic and bio-diversity, age, biomass within parks. National overlay, not talking about just any area; talking about small part of parks and preserves. Hardly any marine acreage, protected anywhere, to make mistakes on.

Richard Hofmann: Doesn't what his life style or fishery to be impaired. Not a fisherman wants that.

Jev Shelton: Pays heed to points Scott made. Organic act does not say that the parks have to be managed without man's impact. Not talking about a generic park. Each park has a broad view of management. What's the purpose of the park involved? Not one word mentioned of marine waters in ANILCA. Need to have on the record disagreement regarding the acceptance of the marine areas as part of the park. What is appropriate to this park? Directed back to purposes, uses, accepted and not accepted.

Paul Johnson: When this park changed from a monument, (1980), everyone knew that the Organic Act contained this statement of no commercial exploitation. During the public hearings at that time the question was asked about commercial fishing. It was stated that it would be continued. A commitment was made at that time.

Environmental Assessment Update

Mary Beth Moss, Chief of Resource Management, Glacier Bay National Park, gave an EA update.

Table of contents for EA is available. The EA is due out on March 30. November meeting touched briefly on the alternatives. Today providing update on topics included in the EA, where getting the information from, the cultural impacts. Looking at a broad spectrum of cultural human influences and scientific data.

Chapter one is mostly background. It outlines issues considered in the document but not discussed in the document. The Endangered Species Act requires that you look at a certain list. Excluding sport fishing and subsistence. Subsistence is not authorized in Glacier Bay. Working with the Hoonah Indian Association to consider traditional subsistence. It is acknowledged that they take place but not taking them into account of the document.

John Martin: Native Allotments-they were there for a purpose, ties that are there. Subsistence under the same area of ANILCA. Those people should not be restricted.

MBM Response: The EA is to look into the effects of one action; looking at the management of

commercial fishing. Acknowledges that there are lots of other actions that influence the issue. Looking at other options to discuss the actions impacting areas. Legality not the issue. Impacts of commercial fishing only. These concerns (allotments/subsistence) are for a different discussion.

Question: How many stocks spawn in the bay? Chad Soiseth. Do not know. Only know about 60 percent of the streams surveyed. 2/3 of bay proper does not have information on. Do not know of any verified king salmon spawning streams.

Jeff Hartman: EA is a step that must fully describe the burden and cost to the people. Doesn't that place the burden of proof on the National Park Service to demonstrate effects to commercial fishing?

Molly Ross: What is no action? Law says commercial fishing is illegal in parks. Have to justify it. NPS hasn't enforced. Mixed signals. Legally no burden on park; politically, yes, a shared burden.

John Martin: Jurisdiction question on water; migratory species, etc.

Dave Hanson: Jurisdiction – There is a dispute. Jurisdiction question put aside to deal with commercial fishing.

MBM Response: This documents social, biological, economic effects changing the current situation. Legally required to look at a no fishing requirement.

Human environment criteria presented this afternoon. Looking at that, not just biological. Wilderness, visitor use, cultural, economic affects, etc.

The EA is a draft document. Displays current information on the issue and the affects of the alternatives addressed. If there are glitches, we need to know. It displays what able to pull together, your input would be incorporated.

Quick outlined details of the five alternatives: alternative 1 is the proposed action; alternative 2 is no action (a legally required alternative); alternative 3 is a mix of open/close situations, adaptive management alternative-resident vs migratory; alternative 4 continues fishing; alternative 5 is the 1991 draft regulations.

Scott Marshall: Alternatives mutually exclusive?

MBM Response: No. can mix and match. Allows pieces from any alternatives.

No action alternative. Some disagreement on the status quo, whether no action means no action, or would imply current NPS regulatory prohibition would be enforced.

Patrick Mills: They evicted the natives from the Tongass because they didn't have permission to live there when created the national forest. Seems they are doing the same in Glacier Bay.

John Martin: NPS said they would do whatever they could do to preserve the native relationship to Glacier Bay.

Break 12:10 'til 1:10

History of Economic Development in Glacier Bay

Wayne Howell, Cultural Resource Specialist, Glacier Bay National Park. During the EA process, painting a cultural process in the Glacier Bay area. Sources of cultural information used include historical development, as published from libraries, commissioned studies of research, an administrative history that was completed in 1984, an maritime anthropology study commission by NPS from Steve Langdon, and summaries from interviews taken for Steve's research. This history of economic development in the Icy Strait region is the entire background, not exclusively commercial fishing.

Military developments and influence in Icy Strait limited to WWII, 1939-1946. Centered around the airstrip in Gustavus and the barge terminal in Excursion Inlet (dismantled at end of war). The airfield has become a critical point in Icy Strait.

Government presence came with park beginnings. Subsequent development of park brought more influence; mid 50's with buildings and staff. Jobs then tourism.

Timber had beginnings in late 1910's and 20's in Excursion Inlet and one family in Gustavus. Low level timber activity during this time. In the 1930's there was a activity for a short amount of time. Collapsed. A lull and industry picked up in 60's, 70's, and 80's with timber development and the U.S. Forest Service. Now it faces and uncertain future and tapering off.

Agriculture. Homesteading centered primarily in Gustavus, 1914 to 1966. It was centered on agricultural endeavors. Limited crops grown and nothing considered a cash crop. Sporadic markets. Transportation problems. Rutabagas best crop. Minimal livestock; not enough range, bear problems, water hemlock, and market problems.

Tourism has had moments coming and going. From 1890 'til 1899 tourism was strong in response to scientific papers. Earthquake then clogged bay with ice. 1930-40 mountain climbing brought many back with scientific ideals seeking adventure. In 1966 with the lodge opening, tourism started strong and has been increasing since.

Mining. In the park mining was in Lituya Bay in the 1890's. Dundas Bay in the 20's and 30's with prospectors and Joe Ibach. Prospectors never hit it rich. Deposits not there. Operations crept along. Chichagof more significant but mining never took off in park.

Science. Activities of scientists have influenced on almost every aspect: Russian expeditions, Captain Cook, LaPerouse, Vancouver, John Muir, Reed, Wright, mid 1800's Cooper and Fielding, to name a few. There is a long history of scientific study that brings generations of interest and knowledge that fosters these other developments.

Fur trade. Coincides with period of explorations. Direct interactions with Tlingits and fur traders. Russians brought their own harvesters and cut out Tlingits. Fox farming part of the fur trade that had prominence in Southeast Alaska. Claims were laid to an island and fox raised. Depressed markets.

Commercial Fishing/Tlingit. Tlingit culture was involved in most of the previous aspects of economic influences. Maritime culture and much of economic activity was salmon fishing. Tlingit people have a very long presence in the area. Origins of a number of Tlingit clans are in Glacier Bay. Stories and legends are very prevalent to the socio-economic condition. Tlingit are a matrilineal society. Clan orientated: primary social identity, boundaries. Within clan have house groups that had ownership of certain resources. Prized were the salmon streams that were fiercely defended, exchanged, etc. Provided the core of their culture. These resources at the time of the European arrival were closely defended. Russian incursion to these areas caused the war in Sitka. Russians took too many fish. In the 1880's, canneries in Bartlett Cove. A saltery and cannery adjacent to an existing Tlingit village in a partnership. In 1899 an operation in Dundas Bay began and was the longest termed operation within park boundaries. This cannery was established and it purchased the right to build on the acreage from a local clan and a deal to catch the fish from that stream from the local clan. Company operations would bring their fishers with them. And the 1890's method of blocking stream to intercept entire runs brought about legislation to ban it. Thus also effectively influencing the Tlingit way of fishing. Fishtraps were brought in to intercept fish before the streams. Initially rows of pilings were put into the ground under water. It was a high capital investment, excluding anyone who did not have monetary resources; meaning natives. The native peoples were effectively excluded from their fishery and resources. The Alaska Native Brotherhood lobbied to rid this method of fishing. Canneries also used mobile seine boats to intercept boats. Hoonah folks eventually became involved in seining. Transition time into a new focus of commercial fishing.

Croatian fishermen in Inian area shared with the Tlingits knowledge on fishing. 1920's the troll fleets started showing up. Elfin Cove, 1929, Pelican, 1938, established. These areas the troll fleet started working the passes and area. Halibut fishery does not have a lot of documentation in the early 1900's. The establishment of these areas related to fishermen and to buying stations and processors. Effects of commercial fishing shows fingers into areas.

The intent of the EA process is to show a basic history in the development and put it into context. In terms of economic activities that have come and gone, the longest and most solid run has been commercial fishing. In the EA tried to look at this as a cultural development that is rooted into history. Takes on its own character: a local maritime tradition that crosses cultural (Tlingit, Croatia) lines and their sharing. It was cultural, technological, traditional, economical. Tried to characterize the cultural-tie influences. Recognize this maritime cultural tradition as unique and is very much tied into this area of Icy Strait and Glacier Bay through a long, evolving process.

Commercial fishing in area comprised primarily of small operations. Way of life that is primarily chosen by people. Become a part of this tradition based in history of place. Seasonal lifeway with migration of species. Tied to cycles of nature, movements of weather patterns, tides, comings and goings of fish, requires knowledge of these things, requires skill. Creates an unique tradition. Anchored in communities of Icy Strait and region. Community of people that come and go in the fishery and the area. Commercial fishermen are very much connected to the landscape that they are operating in. Develop an intimate knowledge with the landscape. Ways that this information is acquired is by being out there season after season. No substitute for acquiring necessary knowledge to succeed at fishing.

Paul Johnson: Mining, Brady Glacier, Dundas, stretched into the 60's and 70's exploration. Bohemian Basin. ANILCA stopped mining.

Liz Cabera: Body of knowledge would be ending if stop commercial fishing in bay.

W.H. Response: Living body of knowledge, passed on by oral history, would have to written in down for the area. Same as for Tlingit presence.

Dale Kelley: Dates for the beginning of fisheries of information not coinciding with what they know and have.

W.H. Response: The published history. If you have different dates the time for the draft EA is the time to bring it to the park's attention.

Characterization of Current Fisheries

Steve Langdon, Professor of Anthropology, University of Alaska Anchorage/Duke University

He has been conducting interviews with fishermen. The data and analysis are from these interviews. Firmly believes that the troll fishery goes back to aboriginal times. A deep fishery using traditional techniques.

Halibut fishery. Early halibut fishery located off outer banks. They would come inside to sell and may set small sets to finish loads. Feels that the nature of the bay, tremendous ice flows, tides, etc. would make the halibut fishermen not interested in Glacier Bay in the early years when they were successful outside.

Contemporary patterns. Try to place Glacier Bay commercial fisheries in large context. The data has severe limitations. It takes additional information from fishermen to get evidence to offset the limitations. Has conducted over 80 formal interviews. The interviews will be in transcript form and available in library. Looking at macro information, in relation to Icy Strait communities. Because of proximity it would be closely associated and influenced. However, found that there is a much larger pool of fishermen that would be affected.

Framework of information and limitations.

The first problem: the State Of Alaska and Glacier Bay statistical districts do not fit. Data based on statistical districts in park waters. Second problem: fish and how reported in their caught districts. Halibut data. Up 'til 1994, when separate stat district for Glacier Bay proper, IPHC swore could give data for the bay proper; however, couldn't, so, feel very under-reported in numbers for halibut.

Took total corpus of fishermen, then categorized in different locales; local and other southeast. Took harvest and total earnings then logged into Glacier Bay proper, Icy Strait/Cross Sound.

Numbers broken down by Permits, total landings, other than Southeast waters, then Glacier Bay district, outer coast, Cross Sound/Icy Strait.

Trolling. Fish caught from all areas and because of reporting at landing there is no way of knowing the actual number or percentage of fish taken in the different specific areas. Numbers underreported; using fish tickets. CFEC's average value times pounds of fish.

Continuity problems. Continuous fishery over the boundaries.

Range of users is a broad geographical expanse; primarily Puget Sound.

Database examines crab, halibut and salmon. Major data source.

Laws of confidentiality come into play when get down to smaller units.

See accompanying Draft Tables

1995 gross comparisons, local fisherman, 30 to 35 percent derived from Glacier Bay districts (which include both in and out of the park). The others are 12 to 18 percent.

Fishing permits by Icy Strait communities between 1975 to 1995.

Species being pursued. 1995 distribution of permits, proportional use. Sitka, Petersburg well represented in total value of landings at stake. Divergences in Icy Strait: Elfin Cove traditional troll; Hoonah oldest profiles in utilization in resources; Pelican has immediate access to north pacific; Gustavus distinctive low # salmon permits, far more crabbing, special access. Internal diversity.

CFEC list that is mailed out to these communities. The complexity of commercial fishery is amazing. Permits for every fishery. Elfin Cove has population of 57 but permits numbering three hundred something. Large number of actual permits but many may never be used yearly; for economic reasons or anticipation of activity and then not. Means little in terms of landing. Potential fishing activity only; no landings.

Total fisheries revenues in each community. GROSS Landings. Gross fishing revenues. Not necessarily made in one fishery. Probably need more than one fishery to make a living. Seasonal fisherman and population.

Costs of fishery are not in the stats. Each fishery different: crew costs, gear costs, permit costs, insurance costs, large expenses to get boat in water. Tremendous diversity in the industry. From skiffs to large boats. Use only as a gross. Need to look more and closer to get an understanding.

Interviews were done reflecting traditional methods: culture influences; small scale fisheries with under 60' boats; autonomous enterprises that center with family; boat ownership central part of it; tremendous sense of history; lineage of fisherman; people value ability to work and interact with a natural untouched context; use of resources covers broad range; subsistence or gifting and existence; high value on independence and autonomy; assumes risk and responsibility; self sufficiency skills and the sharing of those skills; tremendous value of mutual help; strong protection of habitat; fishing for the same reason that people come to recreate (see

the wildlife, experience the Fairweathers, etc); deeply imbedded in culture. To Tlingit, Glacier Bay is homeland, their point of origin, and why commercial and subsistence are not separate.

Joe Emerson: CFEC commercial value to salmon distorts Glacier Bay. Higher price for Glacier Bay than other areas in Alaska. Not accurate.

Paul Johnson: Asked group to think of economic alternatives to replace those figures, can't see anything that will. (Income from fishing in local communities.)

Albie Morin: CFEC information under confidentiality law. Did Steve have access to confidential information?

S.L. Response: No.

Albie Morin: Are we missing a number of accurate dollars?

S.L. Response: Not on these levels. But for individual communities, yes, where the confidentiality rule applies. Area level, no. Had to aggregate information to this level.

Rob Bosworth: Confidentiality statute very strict.

John Martin: Regarding Southeast area database. Concerned on number of fisheries available in Southeast. Want consistency, want to understand inequities.

Albie Morin: Information available for other fishery other places? Juneau tanner in Glacier Bay?

S.L. Response: Database could draw it out, to level subject to confidentiality law.

Patrick Mills: Halibut data when 200 mile limit came into affect. 40 and 50's all halibut went to Juneau and Pelican. Free ice and bait. Hoonah landed their halibut there rather than other local cold storage. Thanks to Steve and Wayne for their assistance.

Stan Leaphart: Contemporary patterns 1971-1977. That timeframe used because:

S.L. Response: 1970 to 1990 contextual patterns for a fishery; limited entry in crab and IFQ impacts.

Dale Kelly: Outside boats are a big part of economy and in this issue at Glacier Bay, the national and international interest, the non-local fishermen fit under this category as well. Steve's stats do show that the fishermen are from many areas from far away.

Steve plans on his report to be out by the end of this month.

Dave Hanson announced a schedule change. The working group will not be meeting at the end of the day. Will begin first thing in morning.

Visitor use-Glacier Bay National Park

Pat Phelan, Management Assistant, Glacier Bay National Park.

In EA, need to know: how many visitors there are; how accessing the park; visitor expectations and values. I.e. solo kayaker to cruise ship. Impacts in EA: when are the visitors in the park; where are they in the park; why are they here; and, what are their expectations? It is a balance of visitor use and conservation for future. We do not have the criteria to base or reason to determine what experience or visitor may have priority. Where does our data come from? Monthly use reports during visitor season months; who coming in, how coming in, etc. on cruise ships and tour boats. Interpretative rangers gather information on how and what the visitor is experiencing. Visitor Use Surveys have been conducted.

Tom Gemmell: Fishermen counted in month use reports? Randy King. No. Found cannot gather that information. Would include it if could compile it.

P.P. Response: Trends that have been found. Overall visitation is up. In the last five years a growth in visitation in May and September.

Paul Johnson: The charter boat section would be the only locally owned category. Showing a decrease. Mary Beth Moss: Of all the sections that is the least accurate one. The charter boat owners need to send the information in and many don't. So, maybe not. Have increased the number of entries for charter boats under the VMP. Paul Johnson: As an alternative, this could show charter boat is not one. Mary Beth Moss: Can't really determine a trend with two years of data.

Pat Phelan: Visitors come for solitude; interact with wildlife; see the glaciers calving; geological renditions; etc.

The trends. The proportion of visitors on cruise ships is roughly 80%. Backcountry use has increased. The how and where use is being done in bay is important to manage use and avoid problems and minimize impacts to meet mandate and yet provide a quality visitor visit.

Non-motorized waters are highly used by kayakers. Most backcountry users prefer to go where motorized vessels are not. West arm heavier for glacier cruises; east arm commercial trips.

Backcountry use is reflective of concessioner facilities.

Rob Bosworth: Would like to see compiled daily numbers. Also like to know what type of visitor logs more of the negative comments to the issue if possible.

P.P. Response: Generalizations based on expectations of visit and mode of visit. Some data available from visitor comments and other areas; surveys, and comments to vmp, etc.

Dale Kelley: If a survey is being developed hope that it is neutral and encompasses all visitor use types. Then, spoke of impacts in May and September, but these are cruise ship and tour boat visitors. They have more impact than the fishermen do.

Joe Emerson: Difficult to get visitor data. Percentage of complaints out of 336,200 is not even close to 1% to make a formal complaint. Seems a small number to be displacing people and impacting who and what in this issue.

P.P. Response: With our mandate we have to look at all and do not make value judgements.

Patrick Mills: Agrees with Joe. These complaints need to be in writing. Hasn't seen numbers or written complaints and feels that it is hearsay.

Molly Ross: This is one factor to consider. Need places in this world that have these kind of experiences. We care about individuals; not a majority vote contest. Only a few people is a factor. Need better stats. If allow commercial fishing will site that. Value the tradition and meaning of this activity. Hope will be able to translate it to our visitor. It is not a numbers contest. Hope visitors are satisfied; this is one factor. Accumulative impacts. That is why we talk about it.

Greg Streveler: Need to segregate visitor and by type. When guided visitors, would alter his trip schedule and location to maximize the visitor experience. Most of the impact to him was by private vessel and research boat. Fishing boats only in certain areas.

Jev Shelton: Point on solitude and quiet. It is difficult to draw a distinction between quality of citizens. Talking in terms of hundreds of percent of complaints. Any input of positive comments; like with encounters with fishing boats? Mary Beth Moss: The EA does recognize the positive comments as well.

Jim Martinson: Grew up in Gustavus. Commercial fishing provided the experience for Glacier Bay. Work, but very ecologically conscious. Commercial fishing provided the experience for him for Glacier Bay. Gives the local an opportunity to be part of the bay.

Richard Hoffmann: In last minutes the negative responses are a very small percentage. If these were on cruise ships, would there be a movement to displace them? Molly Ross: Those responses were in direct response to the proposed rule. As to the cruise ships, Murkowski directed more; so responded.

Albie Morin: Do the responses reflect how the visitor reacts by how the situation was presented to them? No real answer.

Dave Hanson clarification: Steve Langdon was contracted by the park to do the work he did. The park team takes his information (report) to put into the EA.

Additional Agenda Item

Jev Shelton, Representative, Allied Fishermen of Southeast Alaska

Intent is to outline the case for continued commercial fishing in Glacier Bay. NPS/Interior repeatedly has stated the agency view for terminating fishing. Need for balance to include fishermen's perspective in the record.

Material presented by Steve Langdon covered one topic planned for these comments, reliance of local residents and communities on Glacier Bay fisheries. Depth and detail of his analysis provided excellent coverage of those issues. Do not want anything said to detract from the importance and impact of his presentation. On these subjects, incorporate Steve Langdon's information and conclusions by reference.

Goal of fishing and community interests represented by AFSA is to preserve commercial fishing as continuing activity in waters of Glacier Bay and in coastal waters adjacent to GBNP. Toward this end a set of topics needs to be covered.

1. Overall jurisdiction. Recognized legal dispute, set aside for these meetings and in hands of attorneys. Fishermen's perspective that jurisdiction is State of Alaska's. Small related tangent involves difficulty in relating harvests to NPS-claimed boundaries. ADFG without reason to recognize federal claims regarding marine areas. Reporting districts governed by resource and fishery management considerations only. Park jurisdictional claims not relevant to fishery managers jobs or basis for harvest reporting.
2. Park purposes. Prominent argument against continued commercial fishing in Glacier Bay is alleged incompatibility with Park purposes. NPS reference to preserving undisturbed marine ecosystem and facilitating marine fishery research. Real question is what are purposes of GBNP, not of national parks in general. Not a question of system-wide philosophy.

Review of purpose sections of withdrawal proclamations and of ANILCA is instructive. Detailed and explicit statements of purpose-preserving for posterity the unique collection of tidewater glaciers, examples of post-glacial forest succession, and great scenic values of this pristine area. Very similar purposes listed for research-glacial behavior and geologic features, associated movements and development of flora and fauna, remnants of historic interglacial forests. Significant absence of any mention of marine systems or marine environment in any purpose statement. Not one word. No support for current NPS claims that fishing must be restricted in order to serve established Park purposes. Those claims amount to historical revisionism or opportunism; not accurate or credible implications of stated Park purposes.

3. Regulation of commercial fishing

(a) Different facet of jurisdiction issue. Were marine areas incorporated into GBNP such that NPS has authority to regulate? Withdrawals for Glacier Bay National Monument and for GBNP in ANILCA specify land acreage. Area corresponds to land mass without marine inclusions. Withdrawal of 1939 appears to include significant marine areas. But specified acreage (approximately 904,000 acres) equals measured land mass, not approximately 1,300,000 acres if withdrawal really intended to include marine boundaries. Difference too great simply to be error in measurement. Reinforces point that marine environment not intended as part of GBNP. No authority for NPS to regulate.

(b) Beyond authority issue in 3(a), any basis for alleged NPS prohibition on commercial fishing in Glacier Bay? NPS maintains 1966 regulations ended legitimate fishing in Glacier Bay. Reliance on 1966 regulations very peculiar. Precluded commercial fishing specifically in fresh water only. Included detailed restrictions on many land-based commercial activities, but no mention at all of restricted commercial marine fisheries. Argument that traditional commercial fishing prohibited by these regulations because not specifically authorized is preposterous; violation of common sense and inconsistent with subsequent actions. No support for prohibition or even limitation of fishing, explicit or implied.

Commercial fishing generally prohibited throughout national park system by 1983 regulations, unless authorized by Congress. NPS maintains these regulations remove doubt about need to terminate fishing in Glacier Bay.

Neither 1966 nor 1983 regulations changed NPS behavior toward commercial fishing. Continued unaltered. Important that all relevant NPS actions and documents throughout this period provide direct reference to commercial fishing recognized as ongoing and accepted. Especially significant that fishing accepted as legitimate even after 1983 regulations. Glacier Bay Management Plan of 1984 ("halibut and salmon fishing and crabbing will not be prohibited by the Park Service") specifically authorized fishing less than one year after 1983 regulations. Whale regulations in 1980 and 1985, wilderness waters EIS in 1988, vessel management plans in 1995 and 1996 all recognize ongoing, legitimate commercial fishing in Glacier Bay. Proposition that 1983 regulations accomplished prohibition of commercial fishing is not accurate, really schizophrenic. In proposed (1998) regulations, no action means no commercial fishing is factually not credible; extreme arrogance.

Provisions of ANILCA, 1980, provide reasonable explanation for apparent inconsistency between NPS regulations and NPS actions. Promises by Congressmen (Seiberling especially) during ANILCA hearings that creation of GBNP (or any withdrawals under ANILCA) would not restrict historical commercial fisheries. Led to support from fishermen for wilderness waters in Glacier Bay. Would not support without assurance of continued traditional fisheries. Good faith of Congressional promises captured in ANILCA Sections 1314 and 1316. Regarding fishing, Section 1316 especially directs that Secretary "shall permit the continuance of existing uses." 1983 regulations cannot override statutory intent in ANILCA. In 1980's, intent in ANILCA generally recognized, so no one questioned ongoing fisheries in Glacier Bay. 1983 regulations did not apply to Glacier Bay. Commercial fishing was and is legitimate there. NPS has no credible basis to argue that fishing in Glacier Bay is or should be considered illegal by regulation.

4. Uniqueness of Glacier Bay. GBNP is not just any park. National parks characterized by their uniqueness. Makes general statements about appropriate activities very problematic. Unique features of GBNP define what is appropriate. Even if NPS had jurisdiction, prominent feature of historic use of Glacier Bay is commercial fishing. That activity incorporated as integral and appropriate. Historically compatible with other visitor uses and with successful conservation of fishery resources. Fishing is unique and attractive element to outside visitors.

Circumstances of commercial fishing truly unique to Glacier Bay. History and stability of fisheries pose no threat to Glacier Bay and set no precedent that threatens any other park. Also, traditional fisheries represent essential element of marine environment of Glacier Bay. Removal of fisheries would eliminate natural component of ecosystem that predates any withdrawal. Removing human element would unbalance a stable environmental pattern to no defined objective or purpose.

Glacier Bay unique in providing pristine national park near remote communities exceptionally dependent on local commercial fisheries. Steve Langdon analysis relevant. Communities and fisheries stable. Depend on careful stewardship of fisheries resources and conservation of resource habitat. Stable pattern of use, dependence, and conservation objectively compatible with Park and Park purposes. Other parks support extractive uses. Attempts to terminate important Glacier Bay fisheries on ideological grounds without evidence of negative effects on resources or on Park visitors ill-considered. No justification for causing significant local social and economic damage. Unnecessary loss of economic base from NPS regulations certain to produce strong negative reaction from resident human population and serious long-term active opposition to Park and Park activities.

NPS suggests Glacier Bay as unique opportunity for fisheries research. Asserts such research requires prior removal of fisheries. Fisheries research not a noted strength of NPS. No merit to proposition fisheries must be removed to carry out appropriate research in Glacier Bay. Fishery-related investigations can proceed without changing fisheries, especially if guided by research focus identified in Park purposes, e.g., transition zones. Credible research requires clear statement of questions that are important in the scientific field, specific methods for measurement and analysis, appropriate scope, etc., not vague philosophizing. Setting precondition of terminating fisheries in order to carry out ill-defined "research" is unscientific. Vague talk of research does not establish necessary or sufficient condition for removal of fisheries.

5. National costs. Terminating fisheries in Glacier Bay would have effects with national implications. National cost to removing unique character of small fisheries and operations in remote area. Will detract from experience of Glacier Bay and hamstring local economies. Cost to loss of knowledge that stable fisheries can support network of small, dependent communities. No rational argument for causing such effects on human populations. Cost to losing knowledge that viable fisheries and dependent communities can coexist with national park activities. Cost to loss of demonstration that commercial fishing can be an attraction, not distraction, to national park visitors. Fishing as an enjoyable sight, highlight of visit; also visitor aid, even search and rescue. Loss of fishing tradition in Hoonah, Pelican, etc., especially with Tlingit history, a national cost.

Holland decision held that commercial fishing in Glacier Bay not prohibited by statute. Without statutory prohibition, NPS attempting to eliminate activity with over 100 years history and great social and economic importance. No rational basis for regulatory restriction proposed. Burden of proof is on NPS to show that commercial fisheries in Glacier Bay should not continue

Richard Martin: Presentation great. But, need to include Dundas Bay.

Molly Ross: Thank-you. Disagree with legal interpretations and how these acts and laws and decisions need to be discussed, but, not in this forum. Need a regulation for any commercial fishing to continue. Legal interpretations.

Jev Response: Denies legal background. More than one legal interpretation of those laws. Need to understand that there is a credible legal analysis to lead to a different conclusion.

Molly Ross: NPS interpretation of law is honest and straightforward. There is no agenda to screw people.

Joe Emerson: National loss of commercial fishing is a concern. Main concern is to feed family. Alternatives are limited. Limited number of industries. Fishing different and what learn in a lifelong history doesn't carry over into the other areas. Limited alternatives. Fill out a job or loan application, shows commercial fishing doesn't fit in well.

Richard Hoffmann: Feels commercial fisherman being painted as a bad guy. When in reality have stopped other misuses by people in the industry. NPS has no concept of their lifestyle, what they do . Painting the fishermen as bad people. Should be working together in a fair manner.

Dave Hanson: In his experience with this group all have had the intent to be fair and work together.

Rob Bosworth: Will begin the meeting tomorrow as scheduled. Information on back table relevant to tomorrow's meeting.

Workshop adjourned at 4:30PM

List of attendees compiled from sign-in sheets and introductions

Albie Morin

Liz Cabera

Tom Gemmell

Paul Johnson

Molly Ross

Jim Tilmant

Scott Marshall

Randy King

Bart Koehler

Ernest Jack

Dave Gaudet

Jev Shelton

Otto Florschutz

Bruce Weyrauch

Richard Hofmann

Pat Phelan

Pat Mills

Maureen Obert

Bill Brown

Joe Emerson

Chad Soiseth

Dale Kelley

Dan Foley

Kathy Swiderski

Stan Leaphart

Ralph Tingey

Heinrich Kadake, Sr

John Martin, Jr

Jeff Hartman

Andy McGregor

Dave Gray

Tina Cunning

Kathy Hansen

Greg Streveler

James Martinson

Rob Bosworth

Jim Brady

Steve Langdon

Wayne Howell

Mary Beth Moss

Ken Imamura

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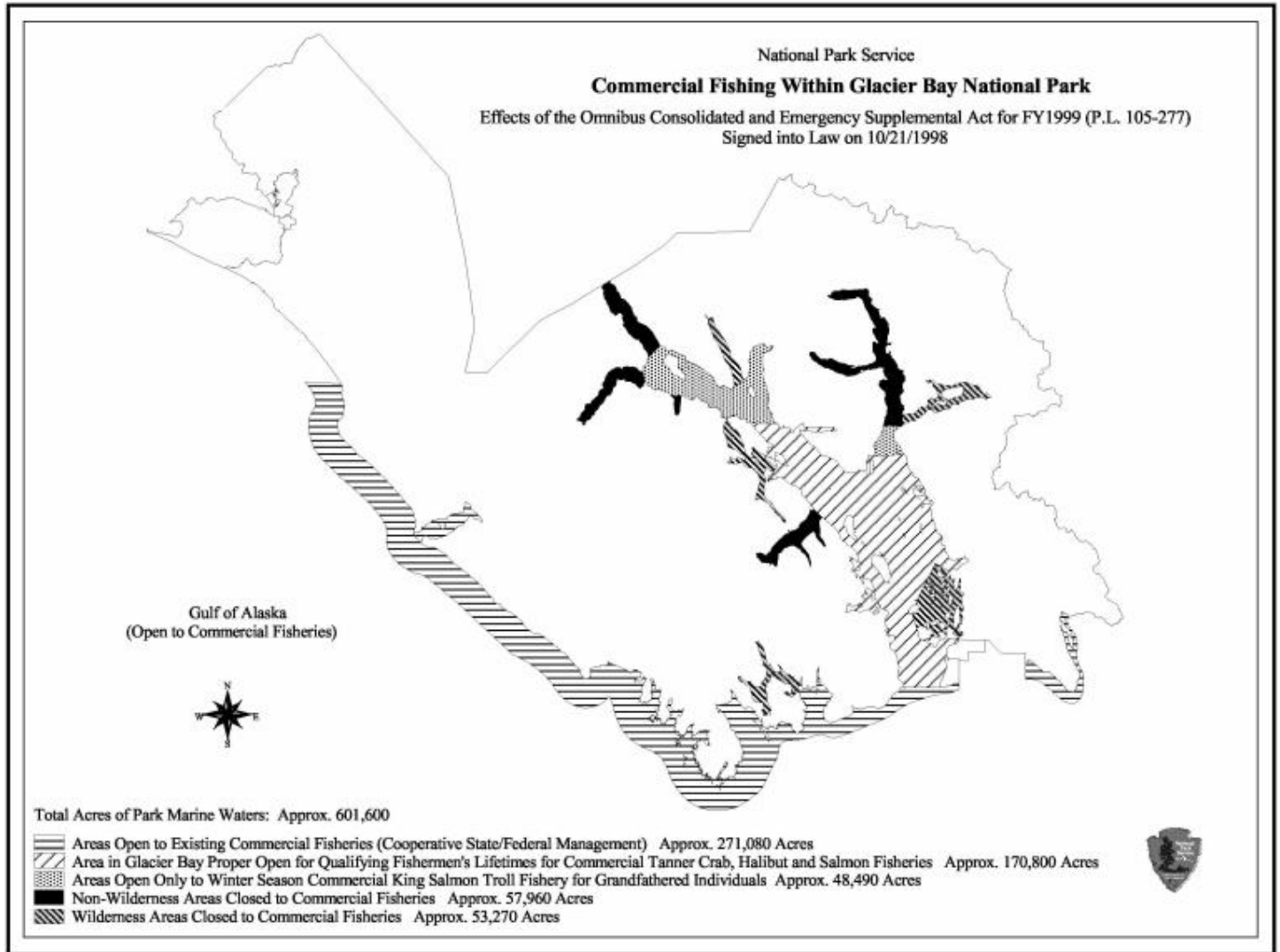
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Commercial Fishing Within Glacier Bay National Park

Effects of the Omnibus Consolidated and Emergency Supplemental Act for Fiscal Year 1999 (P.L. 105-277). Signed into Law on 10/21/1998.



Plot date: November 18, 1998

National Park Service map shows five related categories of waters in Glacier Bay National Park and Preserve:

- Areas Open to Existing Commercial Fisheries (Cooperative State/Federal Management) Approximately 271,080 Acres.
- Area in Glacier Bay Proper Open for Qualifying Fishermen's Lifetimes for Commercial Tanner Crab, Halibut and Salmon Fisheries. Approximately 170,800 Acres.
- Areas Open Only to Winter Season Commercial King Salmon Troll Fishery for Grandfathered Individuals. Approximately 48,490 Acres.
- Non-Wilderness Areas Closed to Commercial Fisheries. Approximately 57,960 Acres.
- Wilderness Areas Closed to Commercial Fisheries. Approximately 53,270 Acres.

Total Acres of Park Marine Waters is Approximately 601,600.

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