



Navigating Troubled Waters

A History of Commercial Fishing
in Glacier Bay, Alaska



Author: James Mackovjak



“If people want both to preserve the sea and extract the full benefit from it, they must now moderate their demands and structure them. They must put aside ideas of the sea’s immensity and power, and instead take stewardship of the ocean, with all the privileges and responsibilities that implies.”

—The Economist, 1998



Navigating Troubled Waters:

Part 1: A History of Commercial Fishing in Glacier Bay, Alaska

Part 2: Hoonah's "Million Dollar Fleet"

U.S. Department of the Interior

National Park Service

Glacier Bay National Park and Preserve
Gustavus, Alaska

Author: James Mackovjak

2010

Front cover: Duke Rothwell's Dungeness crab vessel *Adeline* in Bartlett Cove, ca. 1970 (courtesy Charles V. Yanda)

Back cover: Detail, Bartlett Cove waters, ca. 1970 (courtesy Charles V. Yanda)



Dedication

This book is dedicated to Bob Howe, who was superintendent of Glacier Bay National Monument from 1966 until 1975 and a great friend of the author. Bob's enthusiasm for Glacier Bay and Alaska were an inspiration to all who had the good fortune to know him.

Part 1: A History of Commercial Fishing in Glacier Bay, Alaska

Table of Contents

List of Tables	vi
Preface	vii
Foreword	ix
Author's Note	xi
Stylistic Notes and Other Details	xii
Chapter 1: Early Fishing and Fish Processing in Glacier Bay	1
Physical Setting	1
Native Fishing	1
The Coming of Industrial Fishing: Sockeye Salmon Attract Salters and Cannerymen to Glacier Bay	4
Unnamed Saltery at Bartlett Cove	4
Bartlett Bay Packing Co.	6
Icy Strait Packing Co. Saltery	7
Glacier Bay as a Source of Salmon, Fish Traps, and an Effort at Conservation	10
Chapter 2: Diversifying the Fisheries	17
King (Chinook) Salmon: The Fish and the Fishery	17
Halibut: The Fish and the Fishery	19
Dungeness Crab: The Crab and the Fishery	22
Chapter 3: Jurisdictional Issues: The National Park Service's Role	26
Glacier Bay Proclaimed a National Monument	26
The 1939 Expansion of Glacier Bay National Monument	27
The National Park Service and Its Mandate at Glacier Bay	28
Jurisdiction over Glacier Bay's Fisheries	32
Fishery Policy, More Jurisdiction Issues	33
Salmon Trap at Point Gustavus	34
Inquiry by Crab Processing Interests Fosters Serious Discussion	34
Fish Report No. 1	37
Commercial Fishermen	38
Pelican Cold Storage	38
King Salmon	40
Halibut	40
Dungeness Crab	41
Sharks	41
A Few Gustavus Homesteaders Go Fishing	42
Harbor Seals	42
Shrimp	43
Chapter 4: Custodial Management	45
NPS Establishes a Presence at Glacier Bay	45
Statehood for Alaska Complicates the Jurisdiction Issue	45
The Wilderness Act	47
Fish Report No. 2	48
Duke Rothwell	49
King Crab	50
Thompson Fish Co.	51
<i>Bull Moose</i>	51
Chapter 4: Continued	52
The 1960s: Commercial Fishing Mostly a "Non-Issue"	52
Bob Howe: Superintendent and Part-time Commercial Fisherman	54
1971 Glacier Bay Master Plan	55
1971 Wilderness Study	55

Fish Report No. 3	57
Limited Entry	58
Magnuson Act Fosters a Japanese Market for Alaska Seafood	58
Tanner Crab	58
Chapter 5: Early Groundwork Toward a Glacier Bay Fisheries Policy	61
Tom Ritter Succeeds Bob Howe as Superintendent	61
Superintendent John Chapman	61
The NPS's Policy—Official and De Facto—on Commercial Fishing in Glacier Bay	62
Alaska National Interest Lands Conservation Act	65
Fish Report No. 4	68
Dan Foley	69
Tom Trailbush	69
Charlie Clements	70
Chapter 6: Post-ANILCA Accommodation of Commercial Fishing at Glacier Bay	72
The Humpback Whales Must Eat	72
Sea Lions	74
Memorandum of Understanding with ADF&G	74
Superintendent Mike Tollefson	75
Fish Report No. 5	80
King Salmon	81
Halibut	81
Dungeness Crab	82
Tanner and King Crab	83
New Owners at Hoonah Cold Storage and Pelican Cold Storage	83
Point Adolphus Seafoods	84
Processing Seafood at Gustavus	84
Sea Otters Recolonize	85
Tenders	85
Leslie Hillman	86
Chapter 6: Continued	87
Documenting Glacier Bay's Fisheries: The Taylor report	87
Perry Report	88
Biosphere Reserve and World Heritage Site	89
NPS Dock at Bartlett Cove	89
Chapter 7: NPS Moves to Curtail Commercial Fishing in Glacier Bay	91
Superintendent Marvin Jensen's Initiative	91
<i>AWA v. Jensen</i>	97
Organized Resistance, More Legislation	98
The 1991 Proposed Rule	100
Fish Report No. 6	104
King Salmon	105
Halibut	105
Dungeness Crab	107
Tanner Crab	108
Pelican Cold Storage Changes Hands (again)	108
The Impact of Cell Phones on Fish Marketing	108
Sinking of <i>Westerly</i>	108
Sinking of <i>Oaxaca</i>	109
Chapter 8: Steering Toward the "Lesser of Two Evils"	110
Bill Clinton, Bruce Babbitt, and George Frampton	110
Political Change in Washington	115
Fisheries Research (1991-2003)	115
Superintendent Jim Brady	118
"Pay me not to fish in Glacier Bay!"—Tom Traibush to Bruce Babbitt, September 1994	119

George Frampton's Time for Action	124
1997 Proposed Rule and Its Backlash	125
Mission Impossible: Seeking a Broad Consensus	129
The "Resolution" of the Glacier Bay Issue	136
The Deal, the Reaction to It, and Its Ramifications	140
Chapter 9: The NPS Implements the Legislation	143
Implementation	143
Glacier Bay's "Submerged Lands" Issue Resolved	151
Commercial Fisheries Compensation Program	154
Contribution of Crewmembers	159
Interim Compensation <i>Redux</i> and the Buy N' Pack Amendment	159
Putting a Price on the Losses: An Economic Assessment	161
Draft Compensation Plan	161
Senator Murkowski's Final Effort	163
How Not to Not Buy Out Tanner Crab Fishermen	165
The Compensation Process Begins	166
LAP's and the Future	168
Conclusion and Final Thoughts	169
Endnotes	173
Appendices	206
Appendix A: Commercial Fishing Timeline in Glacier Bay National Monument/Park	206
Appendix B: Legislation: Public Law 105-277, and Public Law 106-31	209
Appendix C: Federal Register, Final Rule/Vol. 64, No. 202/Wednesday, October 20, 1999/Rules and Regulations	214
Appendix D, Part 1: List of Lifetime Access Permits (LAP)	224
Appendix D, Part 2: Breakdown by Community or Region of LAPs	228
Appendix E: Dungeness Crabber Buy-outs	228
Appendix F: Commercial Fishing Compensation	229
Appendix G: US Supreme Court Decision	230
Part 2: Hoonah's "Million Dollar Fleet"	235
Preface	237
Stylistic Note	238
Hoonah's Salmon Seine Fleet	239
Endnotes	247
Photo Gallery	249

Part 1: A History of Commercial Fishing in Glacier Bay, Alaska

List of Tables

Table 1: Bartlett Cove Salmon Production, Numbers of Fish Caught, 1905-1924

13

Preface

In the telling of any history there are potentially as many versions of events as there are participants. And unless an effort is made to capture an accurate telling of history in written form – a scholarly work relying on records along with recollections of the participants – experience teaches us that “history” can take on a life of its own. When it is only “oral,” history can change with each telling and eventually devolve into whatever people can recall, or, in some cases, whatever they choose to recall. By the fourth or fifth generation of telling, it can little resemble actual events.

But to accurately capture history is a challenge, made all the more difficult by situations like the question of commercial fishing in Glacier Bay National Park. Over the course of several decades the issue has played out at multiple levels – from crews working the decks of fishing boats and fisher families gathered around their kitchen tables in Alaska, to the halls of congress and ultimately the highest court in the land. At its core are conflicts inherent in some of the most basic tenets of our society – the place of Native peoples within their traditional homelands; state’s rights versus federal rights; the ability of people to make a living off the land; the desire of a nation to recognize and protect one of its most treasured landscapes. In a very real sense the Glacier Bay commercial fishing issue pitted natural associates against one another – on the one hand a conservationist-fisherman constituency interested in managing fish populations for “sustained yield”; on the other a conservationist-naturalist constituency interested in managing the same populations as “natural and healthy.” In the middle of this battle, the employees of the National Park Service toiled to fulfill the agency’s mission while living and interacting within the affected communities. Even to this day, it is a history that is not yet finished, but will continue to evolve in the lives of fishermen, communities and park visitors for decades to come as the phase-out of commercial fishing in the bay plays out. By the time the final resolution was coming into focus, the issue had been going on for so long, with so many players and so many complexities, that no one person could really quite grasp it all. But with the departure of each person who had participated in it, a little

of the history left with them. That concern was behind Superintendent Tomie Lee’s decision to commission this history while it was still fresh, and while many of the players were still around.

The challenge then was to find a writer for this history, one who was both knowledgeable of the subject matter but with a broad enough grasp of the larger contexts to put everything in perspective. Foremost, the park service needed to consider the primary audience we hoped to reach. A technical history of federal and state policy on ocean and fishery management was clearly an option, but we felt such a work would reach only a limited audience. Although those important issues needed to be addressed, ultimately our decision was driven by a greater need for a history that would be widely read by local and regional audiences, the people most affected by the Glacier Bay decisions and who form much of the social fabric where the park exists.

Fortunately, we did not have to go far to find our writer. Although not an academic historian by training, James Mackovjak has proven himself a capable historian. His first work, a much appreciated local history of Gustavus, *Hope and Hard Work*, reveals solid writing skills and scholarship. More recently he has completed a voluminous work on the early history of logging on the Tongass National Forest that has been accepted for publication by the Forest History Society. In addition to being an historian, Jim has also worked in Alaska’s commercial fishing industry for several decades, mostly right here at Glacier Bay. In the Author’s Note that follows, Jim candidly describes his background and how he became involved in this project.

So in a real sense this is a “local history,” written by and for the people most affected by the events portrayed herein. But it is also a scholarly work that puts this story in the broader contexts of state, national and ultimately international policy and politics. I hope it is a book that will find a place not just on the library shelf and on the policy maker’s desk, but also in the homes and on the fishing boats of the people who continue to fish the waters of Southeast Alaska.

Cherry Payne
Superintendent
Glacier Bay National Park and Preserve

[T]he Service thus established shall promote and regulate the use of Federal areas known as national parks, monuments and reservations . . . by such means and measures as conform to the fundamental purpose of the said parks, monuments and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

—National Park Service Organic Act, 1916¹

* * *

If people want both to preserve the sea and extract the full benefit from it, they must now moderate their demands and structure them. They must put aside ideas of the sea's immensity and power, and instead take stewardship of the ocean, with all the privileges and responsibilities that implies.

—*The Economist*, 1998²

* * *

There is growing recognition of the park's unparalleled potential as a place where we can expand our knowledge and understanding of marine ecosystems in northern latitudes. Today, it is significant and sobering to note that the opportunity to study a large, intact marine ecosystem—with attendant natural population structures, density and distribution of interdependent species—exists nowhere on the Pacific Coast of North America. Comparability studies in fished and unfished zones could have immense value for marine science and fisheries management in the park and Alaska.

—Jim Brady, Superintendent, Glacier Bay National Park & Preserve 1998.³

Foreword

The debate over commercial fishing in Glacier Bay, which began more than thirty years ago and has been resolved only recently, was not simply one of jobs versus the environment. Interwoven within that debate were compelling philosophical, economic, biological, legal, and cultural issues.⁴ Evolving definitions of National Park Service values were an issue, as was an understanding of the economic dependence of individuals and communities on the fisheries resources of Glacier Bay. The worldwide depletion of fisheries resources was a factor: if Glacier Bay National Park—with more than 600,000 acres of marine waters—could not be reserved from commercial fishing interests, then where? And there was the issue of jurisdiction: until the Supreme Court decided in favor of the federal government in 2005, it was disputed whether the federal government or the State of Alaska had the legal authority to regulate commercial fishing in Glacier Bay. Deeply affected by this debate was the Native culture that evolved in and around Glacier Bay, a culture that has incrementally seen its connections to Glacier Bay—the traditional “breadbasket” of the Hoonah Tlingit—eroded.

Commercial fishing in Glacier Bay predated its proclamation as a national monument (1925) by more than 40 years, and continued in the monument for more than 50 years before being seriously questioned by the Department of the Interior’s Ad Hoc Fisheries Task Force in 1978. The debate over commercial fishing in Glacier Bay grew as national environmental awareness increased, but the NPS fundamentally ignored the activity for most of the 1980s while it addressed other issues. Commercial fishing came to the forefront in 1990 when Superintendent Marvin Jensen, with the support of the Department of the Interior, began drafting regulations that would terminate commercial fishing in Glacier Bay National Park’s wilderness waters immediately and phase it out in non-wilderness waters over seven years. This coincided with, and was given impetus by, a lawsuit filed by the Alaska Wildlife Alliance that challenged the fundamental legality of commercial fishing in Glacier Bay National Park. The public reaction in Southeast Alaska to the proposed regulations was one of alarm

that led to the formation of a number of citizens’ groups. With the State of Alaska, the various groups worked for nearly a decade to eliminate or at least weaken the proposed regulations, preferably through legislation based on consensus. Numerous public meetings were held on an issue that was complex, laden with emotion, and well outside the NPS’s traditional field of expertise. Almost eight years and two superintendents after it began, the Glacier Bay commercial fishing issue was finally settled with the reluctant cooperation of Alaska’s Senator Ted Stevens, who used his considerable clout in Congress to pass compromise legislation that he termed “the lesser of evils.”⁵

Under the legislation and its subsequent amendment, several commercial fisheries in Glacier Bay proper were summarily eliminated with compensation while those that remained are in the early stages of being phased out. In addition to appropriating \$8 million to buy out Glacier Bay’s Dungeness crab fishermen, the legislation authorized a \$23 million compensation fund for those negatively affected by the closures and restrictions on commercial fishing in Glacier Bay. To date, though one legal challenge is outstanding, the Dungeness crab fishermen have been bought out and the compensation fund in its entirety has been distributed through a program designed and administered by the NPS with the concurrence of the State of Alaska.

This book is a history of commercial fishing in Glacier Bay proper, which lies in its entirety within Glacier Bay National Park. It covers the period from the first establishment of a commercial fishing operation in Glacier Bay in the early 1880s through 2008. To establish and maintain a context for the industry’s history in the bay, a considerable amount of historical material relating to the development and evolution of the various fisheries and processing facilities in the region is included. Much of this material is presented in six “fish reports” interspersed within the narrative.

Though not directly related to Glacier Bay, Tomie Lee, when superintendent of Glacier Bay National Park, asked that I include in this work a brief history of commercial fishing for salmon by the Hoonah seine fleet in the waters

surrounding the Inian Islands. Tlingit fishermen from Hoonah excelled at this incredibly challenging fishery, which was ended for management purposes by the Alaska Department of Fish and Game more than thirty years ago. Lee recognized the fishermen's success as a source of great local pride, and wanted to make certain this important fishery was properly documented. That history will be published as the second part to this study.

Author's Note

Ideally, history should probably be written by impartial observers. This author has not been an impartial observer in the Glacier Bay commercial fishing issue. For more than 30 years, a lot of my life has revolved around Glacier Bay. On the recreational side, there were numerous hiking and camping trips in Glacier Bay's backcountry, the memories of which I will treasure forever.

Through my participation in the commercial fishing industry I had very strong economic ties to Glacier Bay as well. My first experience with Alaska's commercial fishing industry was in 1969, when I worked for a short while for the Alaska Department of Fish and Game measuring scallops and recording by-catch on a vessel dredging weathervane scallops in the Gulf of Alaska. I began fishing commercially in 1972, and first fished halibut in Glacier Bay in 1975 (though with little success). In 1984, looking to earn a living in Gustavus on land rather than the water, I started Point Adolphus Seafoods with my wife, Annie. Looking back, it looks like a strange time to have started a business that soon depended on Dungeness crab from Glacier Bay, where the principal crabbing grounds, the Beardslee Islands, had been designated as wilderness—ostensibly off-limits to commercial fishing—just four years earlier. I may have been naive, but I didn't lose any sleep over the fragile basis to our business. Perhaps it was because there were few other options in Gustavus.

Though there were some stressful periods and a lot of hard physical work, I enjoyed the seafood business. The fish we purchased were amazing, a product of the beautiful and bounteous environment that surrounded us. The habitat that nourished the fish we bought, particularly in Glacier Bay, was well protected, and the fisheries we depended upon were managed conservatively by the Alaska Department of Fish and Game. There were no feelings that our local industry was threatening the environment or the viability of the fisheries for future generations. And there was the pleasant routine that followed the seasons and the feeling

that we were doing something “real.” Working at the dock at Gustavus or Bartlett Cove while the sun rose was always a special treat.

We liked to refer to our business as a “microprocessor”—our production of mostly crab and halibut and salmon counted for very little in the big picture, but provided a decent living for our family in one of the loveliest places on the planet. We contributed to Gustavus's economy by giving fishermen a local market for their fish, and provided our discriminating, mostly West Coast customers with high-quality seafood that they truly appreciated.

I did not participate in any of the numerous Glacier Bay stakeholder meetings that were sponsored by the National Park Service, Alaska Department of Fish and Game, and several other groups. When legislation passed in 1998 that jeopardized the survival of our business by essentially eliminating our supply of Dungeness crab, we made our concerns known to Senator Stevens's office through numerous letters and a hired lobbyist. An attorney assisted us in filing and appealing our claim for compensation under the Glacier Bay Commercial Fisheries Compensation Program.

In the end, our business was compensated \$870,894.64. It seemed like a lot of money until we remitted more than a third of it to the IRS.^A

At a social gathering during the summer of 2005, Glacier Bay Superintendent Tomie Lee casually asked me if I might be interested in writing an administrative history of commercial fishing in Glacier Bay. She gave me an idea of what she was looking for. I told her yes, that I was definitely interested, then went off and pinched myself to make sure I wasn't dreaming. I have had a long-standing interest in Southeast Alaska's history, and figured I knew a fair amount. In doing research for this project, I learned how little I really knew. Hopefully others will learn from my effort.

^A We would have had to pay taxes on the business earnings that the compensation settlement replaced, but not at such a high rate.

Stylistic Notes and Other Details

In keeping with the local tradition, people who catch fish, whether male or female, are referred to in this work as *fishermen*. Also, the word *fish* is used to represent both fish (e.g., salmon and halibut) and shellfish (e.g., shrimp and crab).

Reviewers of early drafts commented that it was sometimes difficult to keep the details of this complex issue in temporal order. As an aid we have included a brief timeline in Appendix A, and those who want a more detailed timeline can find it online at <http://www.nps.gov/glba/comfish.htm>.

All Tlingit artwork was created by Ken Grant, National Park Service.

