

January 10, 2020

To: The Honorable Carole Triem, Chair
Visitor Industry Task Force

Please accept the following written comments as a part of the record of public testimony on matters before the task force:

I am concerned by the announcement that cruise ship borne tourism is escalating much faster than estimates used for planning purposes by the City and Borough of Juneau (the borough). In 2002 it was estimated that 1.52 million passengers would be visiting annually by 2022, it appears that level will be realized in The upcoming 2020 tourism season. And we are advised that the ships will be getting larger and more numerous thus increasing annual visitations perhaps to as much as 2 million passengers thereafter. The cruise ship companies argue that the expected growth is sustainable because the infrastructure of the port limits vessel visits within manageable limits. But there are no capacity limits set for the infrastructure and the borough appears to be amending regulations to remove the concept of capacity limits in the context of tourism vendors.

The Borough has focused somewhat effectively on individual problems caused by mass commercial tourism brought to Juneau by cruise ship from May through September of each year (helicopter and float plane noise come to mind, although some may feel that more must be done). I encourage the borough to adopt broad and enforceable sustainable tourism goals. We must accept the fact that Juneau is experiencing tourism that a number of residents, including myself,

believe to institute too many tourists for our particular destination. I refer to this as over tourism. Regulating over tourism is akin to regulating over fishing. The Alaska Constitution adopted the principle of sustainable yield for use of state lands and waters. It should be possible to achieve a similar policy for tourism to remain sustainable. Tourists visit to not only see our natural wonders, but to also experience our local ways of life. We must find a way to stay authentic and natural.

Tourists, have the right to free movement. But I believe that the rights of travelers, who are tourists moving for entertainment and consumption purposes are not equivalent to the rights of those travelers moving to change their place of residence and residents already living in the borough. A fundamental human right should be recognized to carry out the daily life activities as a citizen of an organized municipality. This is known as “a right to the city”. Commentators have discussed this right since the ‘60’s. Over tourism could adversely affect locals’ rights and, if the municipal government does not enact appropriate measures to preserve their rights of citizenship, this failure possibly could be actionable in court.

A fundamental “right to the city” in the context of over tourism is a developing area of the law. The rights of travelers are clearer and better protected, and the interpretation of the rights of the local population is arguably too broad and not as effectively expressed. But the borough is encouraged to plan accordingly to preserve a “right to the city” in a way that balances the rights of citizens and tourists and protects the borough from possible litigation to enforce such rights.

There has been discussion in the newspaper regarding the power of the borough to limit the number of visitors. A local commentator claims this is something that only the US Congress can do. I hope that the borough attorney will provide the assembly with some guidance in this area or seek an independent opinion from an attorney who has expertise in federal law and applicable international treaties. I don't think it is given that federal law preempts or prohibits local ordinances regulating use of municipally owned passenger terminals. Gigantic cruise ships and the mass tourism they engender are becoming increasingly incompatible with the downtown area and possibly a threat to physical and environmental security of the historic center of the city.

I encourage the borough to eliminate any direct or indirect subsidies that have the effect of encouraging over tourism. The potential for such a subsidy is related to the amount recently paid for waterfront property by Norwegian Cruise Lines (NCL). The borough should establish fees charged for all existing and planned transfer facilities and berths to reflect the apparent increased value of underlying or adjacent waterfront lands.

The conversion of waterfront property for use for a terminal for NCL ships and tour bus staging ultimately contributes to the destruction of the small town feel of the downtown center. Such development does not improve the experience of tourists. Tourists come to visit our city, not a waterfront bus parking lot. This development also flies in the face of a stated goal of Borough Resolution 2170 which sought to encourage the development of a discrete port exclusively for cruise ship tourism. This goal was realized when Icy Strait Point was developed by Huna Totem Inc. NCL now proposes to add new berths in both in Juneau and Icy Strait Point and establish itineraries that have ships stop in both Juneau and Icy Strait Point. NCL is likely not the only example of this kind of scheduling. Clearly, if the development happens as proposed by NCL, the "pressure relief" policy contemplated in Resolution 2170 goes out the

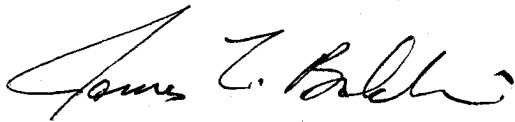
window. The borough should press the companies for an agreement that forecloses these itineraries in a way that reduces the number of vessels stopping in Juneau. If this cannot be achieved by agreement, the borough should take control over the scheduling of municipal port facilities in order to enforce pressure relief policies.

Passenger dispersal strategy – it appears that expected visitation increases could lead to an inadequate passenger dispersal strategy. The task force should recommend that the assembly authorize appropriate planning efforts to remedy any deficiency. On a more functional note, perhaps a software application could be developed for use by passengers that nudges them to schedule activities to attractions away from the heavily visited areas. Perhaps the APP could somehow match supply and demand for certain attractions. The attractions could be encouraged to reduce queuing by using timed ticketing and dynamic pricing.

Finally, I would like to register my displeasure with some of the activities of Travel Juneau. I understand that this is a non-profit corporation that is acting in partnership with the borough for the development of tourism. It appears to be more focused on destination tourism rather than on cruise ship tourism. However, my criticism relates to an advertisement I recently saw on cable television that sought to convey the benefits of tourism in general enjoyed by borough residents. I thought that was a poor use of any borough funds that were spent for this purpose. I think that many borough residents agree that we are entering a time of over tourism and that we should be adopting strategies to reduce the number of vessel visits and the number of passengers. I would prefer that borough funds provided to Travel Juneau be used not only for attracting compatible market segments but also demarketing to achieve a sustainable level of cruise ship borne tourism.

I fear that the uncontrolled growth of mass tourism adversely affects the ability of Juneau to preserve its brand as a genuine small town destination and visitors' opportunity to experience the way of life of locals. There is a real possibility that mass tourism will also adversely affect the willingness of independent travelers to visit because there will no longer be unique and vibrant neighborhoods attractive and accommodating to visitors.

Thank-you for this opportunity to comment.

A handwritten signature in black ink, appearing to read "James L. Baldwin". The signature is fluid and cursive, with a large initial "J" and "B".

James L. Baldwin
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