From: Louis Juergens
To: Beth Weldon; Borough Assembly; City Clerk
Subject: VITF concerns
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Dear VITF and Assembly Members,

I strongly urge that you do NOT move forward with a whale watching permit system, limited entry or fleet reduction plan. I believe these proposals represent an unnecessary attempt to take control of an industry whose growth has already flattened, largely due to the cruise ship passenger cap. It also raises serious questions about fairness, legality, and the city's actual objectives.

Part of the reason we find ourselves in this position today is because of how this process has unfolded. Approximately 15 months ago, we met with the Mayor and Alex Pierce to discuss our concerns about potential restrictions on the whale watching industry. We specifically asked to be part of any conversations regarding future regulation. At that meeting, Alex told us this type of control was not being considered because it was illegal, and the Mayor assured us that if it ever was, we would be included in the discussion and promised us a seat on the VITF.

Unfortunately, that didn't happen. We were left in the dark throughout discussions on the VITF, with no direct representation from the whale watching industry. Bussing and helicopters were represented, yet whale watching, one of the major industries being considered for unprecedented regulation, had no seat at the table.

It's difficult to understand how the city can consider such significant restrictions on an industry without including the businesses that would be directly affected. We are now playing catch-up on a process we specifically asked to participate in more than a year ago.

1. A permit system will not affect all operators equally.

How is CBJ going to enforce these restrictions on private docks?

- Goldbelt could potentially establish its own whale-watching fleet without being subject to the same restrictions imposed on operators using Statter Harbor.
- Allen Marine and other operators with private facilities may have similar advantages.
- Fishing charters, lodges, water taxis, and other smaller operators could continue expanding their whale-watching activities to meet demand while established operators are prohibited from growing.

I also seriously question CBJ's legal authority to restrict commercial activity on state waters. I suspect this would face significant legal challenges.

Creating a system that restricts some businesses while allowing others to expand doesn't control the industry. It simply picks winners and losers.

2. Our industry is making substantial changes for 2027.

We recognize the concerns of local boaters, and we are taking responsibility for addressing them. Our planned operational changes include:

- **Loading zone:** Maximum ten-minute occupancy, with no more than one vessel per company at the public loading zone at a time.
- **Cross-loading:** Cross-load whenever possible and prioritize the use of passenger-for-hire floats.
- **Fueling:** Keep one of the four fueling positions at Petro Marine available to local boaters when they are waiting, rather than requiring them to wait behind commercial vessels.
- **Coghlan Cut:** Treat this waterway as a no-wake zone.
- **Wake reduction:** Extend our no-wake boundary approximately 500 yards farther from Auke Bay.
- **Courtesy underway:** Give smaller recreational boats more space and yield whenever safe and practical.

There will be a noticeable difference for local boaters next summer. Give us the opportunity to make these improvements before imposing additional restrictions.

3. The scientific justification for limited entry has not been established.

Juneau's humpback population has shown positive trends year after year, and the previous cortisol research in the Juneau area has not demonstrated elevated stress hormones associated with whale watching traffic. That doesn't mean we should stop improving our practices. We already follow federal regulations, participate in programs such as Whale SENSE, SEWAA, and TBMP, and will continue refining our practices based on credible science and best practices.

What I find particularly troubling is that **CBJ is already exploring ways to restrict this industry while funding local scientists to study its impacts, before the results have even been published.**

How can the public have confidence in the process when the city is developing restrictions before the science, that they also funded, has established a need for them? It creates the appearance that CBJ is looking for scientific justification for a decision it has already made, rather than allowing the research to guide its decisions.

Science should drive policy, not the other way around.

Meanwhile, the cruise passenger cap is working, whale-watching ticket sales have flattened, and fleet growth has leveled off. What additional benefit would limited entry actually accomplish?

4. What problem are we actually trying to solve?

I believe much of this debate has become an optics issue rather than a demonstrated biological problem. If the problem is harbor congestion, let's fix congestion. If the problem is wakes and conflicts with local boaters, let's address those issues. If the problem is whale disturbance, let's

follow the science and address documented impacts.

My frustration goes beyond the proposed regulations. I believe the entire process leading us here has been handled poorly. CBJ is funding research that I believe is being used to justify a predetermined outcome, while a handpicked task force is making recommendations about our industry without anyone from whale watching at the table. During task force meetings, concerns about legality were routinely set aside as something for the Assembly to figure out later.

All of this is being presented as a fair and open public process. But from my perspective, it looks like the outcome was decided long before the industry was given an opportunity to participate. Whether that was the intention or not, it seriously undermines the credibility of the task force's recommendations and the process behind them.

We all love these whales. We've built our careers around sharing them with visitors, and we have every reason to protect them. We also live here, use these same waters, and recognize our responsibility to the local community.

I am asking the Assembly to give the industry's operational changes a chance, respect the businesses that have invested in Juneau, and stop pursuing a legally questionable limited-entry system without a clearly demonstrated need.

Sincerely,
Louis Juergens
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