

Calendar No. 105

113TH CONGRESS }
1st Session }

SENATE

{ REPORT
{ 113-51

HUNA TLINGIT TRADITIONAL GULL EGG USE

JUNE 27, 2013.—Ordered to be printed

Mr. WYDEN, from the Committee on Energy and Natural Resources,
submitted the following

R E P O R T

[To accompany S. 156]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 156) to allow for the harvest of gull eggs by the Huna Tlingit people within Glacier Bay National Park in the State of Alaska, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Beginning on page 1, strike line 6 and all that follows 2 through page 2, line 9, and insert the following:

SEC. 2. LIMITED AUTHORIZATION FOR COLLECTION OF GULL EGGS.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this Act as the “Secretary”) may allow the collection by members of the Hoonah Indian Association of the eggs of glaucous-winged gulls (*Larus glaucescens*) within Glacier Bay National Park (referred to in this Act as the “Park”) not more frequently than twice each calendar year at up to 5 locations within the Park, subject to any terms and conditions that the Secretary determines to be necessary.

(b) APPLICABLE LAW.—For the purposes of sections 4 203 and 816 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 410hh–2, 3126), the collection of eggs of glaucous-winged gulls within the Park in accordance with subsection (a) shall be considered to be a use specifically permitted by that Act.

(c) HARVEST PLAN.—The Secretary shall establish schedules, locations, and any additional terms and conditions that the Secretary determines to be necessary for 1 the harvesting of eggs of glaucous-winged gulls in the U Park, based on an annual harvest plan to be prepared by the Secretary and the Hoonah Indian Association.

PURPOSE

The purpose of S. 156 is to allow for the limited harvest of gull eggs within Glacier Bay National Park by the members of Hoonah Indian Association.

BACKGROUND AND NEED

Glacier Bay National Monument was designated as Glacier Bay National Park and Preserve in 1980 by the Alaska National Interest Lands Conservation Act (ANILCA). Glacier Bay National Park encompasses approximately 3.2 million acres. Glacier Bay National Preserve encompasses an additional 58,000 acres.

Glacier Bay National Park and Preserve is the traditional homeland of the Huna Tlingit, who traditionally harvested eggs at gull rookeries in Glacier Bay prior to, and following, park establishment. Egg collection was curtailed in the 1960s as both the Migratory Bird Treaty Act and National Park Service regulations prohibited the activity.

Although the passage of ANILCA allowed for sport hunting, commercial fishing, and subsistence activities to be permitted in the preserve, it was not until passage of the Migratory Bird Treaty Act Protocol Amendment in 1995 that customary and traditional use of migratory birds and their eggs for subsistence use by indigenous inhabitants of Alaska was allowable by law. Even with passage of the 1995 treaty amendment, National Park Service regulations still prohibited the gathering of gull eggs at Glacier Bay National Park and Preserve.

In 2000, Public Law 106-455 provided for the Secretary of the Interior, in consultation with local residents, to undertake a study of sea gulls living within the park to assess whether sea gull eggs could be collected on a limited basis without impairing the biological sustainability of the sea gull population in the park. The study, *Harvest of Glaucous-Winged Gull Eggs by Huna Tlingit in Glacier Bay National Park*, was completed in May 2010. The preferred alternative in the study would authorize the harvest of gull eggs at up to five locations within the park on two separate dates each year.

LEGISLATIVE HISTORY

S. 156 was introduced by Senators Murkowski and Begich on January 28, 2013. The Subcommittee on National Parks held a hearing on S. 156 on April 23, 2013. At its business meeting on May 16, 2013, the Committee ordered S. 156 favorably reported with an amendment.

In the 112th Congress, Senators Murkowski and Begich introduced similar legislation, S. 1063, on May 25, 2011. The Subcommittee on National Parks held a hearing on S. 1063 on July 28, 2011 (S. Hrg. 112-214).

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on May 16, 2013, by a voice vote of a quorum present, recommends that the Senate pass S. 156, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 156, the Committee adopted an amendment in the nature of a substitute. The amendment addressed a potential issue that would have allowed for the collection of eggs notwithstanding any other provision of law and instead au-

thorizes subsistence collecting in accordance within sections 203 and 816 of Alaska National Interest Lands Conservation Act (ANILCA), which govern subsistence the collection in the park. The amendment is described in detail in the section-by-section analysis below.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title, the “Huna Tlingit Traditional Gull Egg Use Act.”

Section 2(a) authorizes the Secretary of the Interior (Secretary) to allow for the collection of gull eggs within Glacier Bay National Park by members of the Hoonah Indian Association not more frequently than twice each calendar year at up to five locations with the park, subject to any terms and conditions the Secretary determines to be necessary.

Subsection (b) defines the collection of gull eggs within Glacier Bay National Park as a use that is specifically permitted under sections 203 and 816 of the Alaska National Interest Lands Conservation Act.

Subsection (c) requires that the Secretary base schedules, locations, and any additional terms and conditions for the collection of gull eggs in Glacier Bay National Park on a harvest plan prepared by the Secretary and the Hoonah Indian Association.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

S. 156—Huna Tlingit Traditional Gull Egg Use Act

S. 156 would authorize the Hoonah Indian Association to harvest glaucous-winged gull eggs from Glacier Bay National Park in Alaska. Under the legislation, the Association would be permitted to harvest eggs not more than twice a year from up to five locations within the park. The bill would also direct the Department of the Interior to develop an annual harvest plan with the Association.

Based on information provided by the National Park Service, CBO estimates that implementing S. 156 would have no significant impact on the federal budget. Enacting S. 156 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

S. 156 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Martin von Gnechten. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 156.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 156, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 156, as reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the April 23, 2013, Subcommittee on National Parks hearing on S. 156 follows:

STATEMENT OF PEGGY O'DELL, DEPUTY DIRECTOR FOR OPERATIONS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on S. 156, the Huna Tlingit Traditional Gull Egg Use Act.

This legislation provides for the restoration of an important cultural connection to Glacier Bay by the Huna Tlingit, and provides for the environmentally preferred action identified in our studies. As such, the Department supports enactment of S. 156 with an amendment.

Glacier Bay National Park is the traditional homeland of the Huna Tlingit who harvested eggs at gull rookeries in Glacier Bay prior to, and after the park was established in 1925. Egg collection was curtailed in the 1960s as Migratory Bird Treaty Act and National Park Service (NPS) regulations prohibited the activity.

The Glacier Bay National Park Resource Management Act of 2000 (P.L. 106-455) directed the NPS to study whether gull egg collection could resume without impairing the biological sustainability of the gull population in the park. The NPS conducted the study, wrote an environmental impact statement, and in August 2010 issued a record of decision which found that collection under certain conditions would be sustainable. Those conditions, addressing the frequency of harvest and an annual harvest plan, are reflected in S. 156.

Section 2 (b) of the bill contains a condition for the Secretary of the Interior to develop an annual harvest plan jointly with the Hoonah Indian Association. To clarify that the Hoonah Indian Association's role is purely advisory, we recommend the attached amendment.

The Department appreciates the opportunity to testify on this matter. I will be glad to answer any questions.

AMENDMENT TO S. 156

On p. 2, line 8, strike "jointly by the Secretary and the Hoonah Indian Association." and insert "by the Secretary in consultation with the Hoonah Indian Association."

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by S. 156, as ordered reported.