

## HUNA TLINGIT TRADITIONAL GULL EGG USE ACT

APRIL 11, 2014.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural Resources, submitted the following

### R E P O R T

[To accompany H.R. 3110]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3110) 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, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Huna Tlingit Traditional Gull Egg Use Act”.

#### 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 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 the harvesting of eggs of glaucous-winged gulls in the Park, based on an annual harvest plan to be prepared by the Secretary and the Hoonah Indian Association.

#### PURPOSE OF THE BILL

The purpose of H.R. 3110 is to allow for the harvest of gull eggs by the Huna Tlingit people within Glacier Bay National Park in the State of Alaska.

## BACKGROUND AND NEED FOR LEGISLATION

H.R. 3110 authorizes the Secretary of the Interior to permit members of the Hoonah Indian Association to harvest sea gull eggs in portions of Glacier Bay National Park in the State of Alaska, subject to terms and conditions the Secretary deems necessary.

Located in Alaska's southeast panhandle, Glacier Bay National Monument was established in 1925 and in 1980 re-designated as Glacier Bay National Park and Preserve under the Alaska National Interest Lands Conservation Act (ANILCA). The Park encompasses approximately 3,222,000 acres and the Preserve 58,000 acres. Section 203 of ANILCA provides that "hunting shall be permitted in areas designated as national preserves under the provisions of this Act" and that "[s]ubsistence uses by local residents shall be allowed in national preserves and, where specifically permitted by this Act, in national monuments and parks" (16 U.S.C. 410hh-2). In addition, Title VIII of ANILCA (16 U.S.C. 3111 et seq.) addresses subsistence uses of fish and wildlife by rural residents on public lands in Alaska.

Glacier Bay National Park and Preserve is the traditional homeland of the Huna Tlingit (also known as the Hoonah Indians) who traditionally harvested eggs at gull rookeries in Glacier Bay before and after its establishment as a National Monument in 1925. 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 the Glacier Bay National Park Resource Management Act of 2000 (Public Law 106-455) required 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 egg harvests at up to five locations within the Park on two separate dates each year.

Consistent with the study's preferred alternative, H.R. 3110 would authorize the Secretary of the Interior to allow members of the Hoonah Indian Association to collect the eggs of glaucous-winged gulls up to two times a year at up to five locations within Glacier Bay National Park. Under the bill, the egg collection schedules and locations are to be based on an annual plan prepared jointly by the Secretary of the Interior and the Hoonah Indian Association.

On February 5, 2014, the Subcommittee on Indian and Alaska Native Affairs held a hearing on H.R. 3110. In the hearing, the Na-

tional Park Service testified in support of enacting the bill. Testimony was also heard from a representative of the Hoonah Indian Association in support of H.R. 3110.

#### COMMITTEE ACTION

H.R. 3110 was introduced on September 17, 2013, by Congressman Don Young (R-AK). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittees on Indian and Alaska Native Affairs and Public Lands and Environmental Regulation. On February 5, 2014, the Subcommittee on Indian and Alaska Native Affairs held a hearing on the bill. On February 27, 2014, the Natural Resources Committee met to consider the bill. The Subcommittees on Indian and Alaska Native Affairs and Public Lands and Environmental Regulation were discharged by unanimous consent. Congressman Don Young (R-AK) offered an amendment designated #1; the amendment was adopted by unanimous consent. The bill as amended was then adopted and ordered favorably reported to the House of Representatives by unanimous consent.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

#### COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

#### *H.R. 3110—Huna Tlingit Traditional Gull Egg Use Act*

H.R. 3110 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 H.R. 3110 would have no significant impact on the federal budget. Enacting H.R. 3110 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 3110 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.

On May 29, 2013, CBO transmitted a cost estimate for S. 156, the Huna Tlingit Traditional Gull Egg Use Act, as ordered reported by the Senate Committee on Energy and Natural Resources on May 16, 2013. The two bills are similar, and the CBO cost estimates are the same.

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

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. CBO estimates that implementing H.R. 3110 would have no significant impact on the federal budget. Enacting H.R. 3110 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to allow for the harvest of gull eggs by the Huna Tlingit people within Glacier Bay National Park in the State of Alaska.

#### EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

#### COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

#### COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.