
CHAPTER 1: PURPOSE AND NEED FOR ACTION



Photograph by Sea Neilson.

Glaucous-winged gulls at South Marble Island.

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CHAPTER ONE: PURPOSE AND NEED FOR ACTION

1.1 INTRODUCTION

This *Legislative Environmental Impact Statement (LEIS) on Gull Egg Harvest by the Huna Tlingit in Glacier Bay National Park* has been prepared by the National Park Service (NPS) to consider the potential effects of the harvest of glaucous-winged gull (*Larus glaucescens*) eggs within the park. Collection of gull eggs in the park is currently precluded by statute; further congressional action would be required to authorize gull egg collection. If authorized, regulations would need to be promulgated to implement the gull egg collection program. Section 4 of the Glacier Bay National Park Resource Management Act of 2000 (hereafter, “the Act”, see Appendix 1) directed the Secretary of Interior, in consultation with local residents, to assess whether gull eggs could be collected in Glacier Bay National Park on a limited basis without impairing the biological sustainability of the gull population. The Act further requires that the Secretary submit recommendations for legislation to Congress if the study determines that gull egg harvest could occur without impairing the biological sustainability of the park’s gull population.

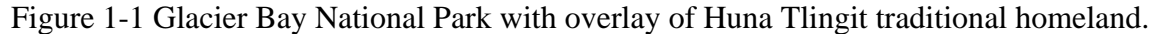
The goal of this LEIS is to outline how the NPS would provide for a limited gull egg harvest in the park by tribal members of the Hoonah Indian Association (HIA) while protecting park purposes and values. The area encompassed by this LEIS includes all of Glacier Bay proper, as well as the coastal waters and lands of Icy Strait, Cross Sound, and the outer coast of Glacier Bay National Park north to Sea Otter Creek. This area includes portions of the traditional homeland of the Huna Tlingit within the boundaries of Glacier Bay National Park (Figure 1-1).

This LEIS was prepared, as required, under the National Environmental Policy Act (NEPA) of 1969 and regulations of the Council on Environmental Quality (CEQ; 40 Code of Federal Regulations [CFR] 1500). It describes a range of alternatives and the existing conditions and contains a detailed analysis of the environmental consequences of the alternatives. This chapter describes the underlying purpose and need for the action; presents an overview of applicable regulations; and summarizes issues identified by the NPS, government agencies, organizations, native people, and the public.

1.2 PURPOSE

The purpose of this LEIS is to respond to Section 4 of the Act. The LEIS will provide the basis for determining whether the limited collection of gull eggs can occur within the park without impairing the biological sustainability of the park’s gull population. The analysis will also provide the basis for a Secretarial recommendation to Congress for legislation authorizing gull-egg harvest. If Congress authorizes this activity, the NPS would promulgate regulations to implement a gull egg harvest.

This LEIS proposes a traditional harvest strategy, cooperatively developed by the NPS and the HIA that outlines potential harvest locations, harvest methods, and monitoring actions.



Glacier Bay National Park encompasses traditional homeland areas of the Huna Tlingit. The Huna Tlingit harvested eggs at gull rookeries in Glacier Bay, including the large nesting site on South Marble Island, prior to monument establishment in 1925. The Migratory Bird Treaty Act (MBTA) prohibited egg collection in 1918 as do current NPS regulations (*36 CFR Part 2.1*).

In the late 1990s, the NPS agreed to explore ways to authorize the traditional collection of gull eggs within Glacier Bay National Park. Legislation enacted in 2000 (See Appendix 1) further directed the NPS to determine whether customary egg harvest practices could be authorized in the Park.

1.4 PLANNING BACKGROUND

1.4.1 Glacier Bay National Park and Preserve Specific Mandates

Enabling Legislation and Alaska National Interests Lands Conservation Act

Glacier Bay National Monument was established by presidential proclamation in 1925, and then expanded by presidential proclamation in 1939. The presidential proclamations of 1925 and 1939 established and expanded Glacier Bay National Monument for these reasons:

- there are around Glacier Bay on the southeast coast of Alaska a number of tidewater glaciers of the first rank in a magnificent setting of lofty peaks, and more accessible to ordinary travel than other similar regions of Alaska;
- the region is said by the Ecological Society of America to contain a great variety of forest covering consisting of mature areas, bodies of youthful trees that have become established since the retreat of the ice, which should be preserved in absolutely natural condition, and great stretches now bare that will become forested in the course of the next century;
- this area presents a unique opportunity for the scientific study of glacial behavior and of resulting movements and development of flora and fauna and of certain valuable relics of ancient interglacial forests;
- the area is also of historic interest having been visited by explorers and scientists since the early voyages of Vancouver in 1794, who have left valuable records of such visits and explorations.

In 1980, with the passage of the Alaska National Interest Lands Conservation Act (ANILCA; Title 1, Section 202), additional direction was provided. This new direction included:

- renames the national monument Glacier Bay National Park;
- establishes the Glacier Bay National Preserve;
- the park addition and preserve shall be managed for the following purposes, among others: to protect the Alasek River, fish and wildlife habitats and migration routes, and a portion of the Fairweather Range including the northwest slope of Mount Fairweather.

Park Purposes

In 2008, Glacier Bay National Park and Preserve developed a Foundation Statement that identified, among other elements, the park's purpose. This purpose was based on the enabling legislation and the Alaska National Interest Lands Conservation Act:

The purpose of Glacier Bay National Park and Preserve is to protect a dynamic tidewater glacial landscape and associated natural successional processes for scientific discovery in a wilderness setting.

Memorandum of Understanding and Amendment between NPS and HIA

A Memorandum of Understanding (MOU) between the NPS and the HIA was signed in September 1995 and reauthorized in 2000 and 2005. The MOU acknowledges the government-to-government relationship between the two entities, outlines the framework of a working relationship, and identifies actions designed to foster and encourage the protection and enhancement of the Huna Tlingit culture. A 2003 amendment formally established a mechanism for tribal members to access Glacier Bay National Park via motorized vessel during the visitor use season.

Memorandum of Understanding between NPS and Alaska Department of Fish and Game (ADF&G)

A Memorandum of Understanding (MOU) between the NPS and the ADF&G was signed in 1982 to coordinate resource planning on NPS lands. The MOU recognizes that, while the State of Alaska is responsible for “the management, protection, maintenance, enhancement, rehabilitation, and extension of the fish and wildlife resources of the state on the sustained yield principle,” NPS lands in Alaska are subject to unique regulations per the Alaska National Interest Lands Conservation Act (ANILCA).

1.4.2 Related Legal Mandates, Regulations, and Policies

The following subsections outline laws, regulations, and major NPS policies that are relevant to understanding this LEIS.

NPS Organic Act of 1916

The Organic Act of 1916 and the 1978 amendment of the NPS General Authorities Act of 1970 provide the overall mandate for management of the national parks. The Organic Act specifies the core NPS mission, including establishing regulations to protect the environment, such as those being proposed for the current action. The Act states the responsibilities of the Park Service:

The (National Park) Service . . . shall promote and regulate the use of the Federal areas known as national parks . . . to conserve the scenery and the natural and historic objects and the wildlife 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.

The Organic Act mandates that the NPS protect resources of national parks and prioritize conservation of the environment when making management decisions. The Act also states that one of the fundamental purposes of all parks is the enjoyment of park resources. In situations

where a conflict exists between NPS efforts to conserve resources and those designed to provide enjoyment of them, conservation takes precedence.

The NPS Organic Act and the General Authorities Act prohibit impairment of park resources and values. The 2006 NPS Management Policies uses the term “resources and values” to mean the full spectrum of tangible and intangible attributes for which the park is established and managed, including the Organic Act’s fundamental purpose and any additional purposes as stated in the park’s establishing legislation. The impairment of park resources and values may not be allowed unless directly and specifically provided by statute. The primary responsibility of the NPS is to ensure that park resources and values will continue to exist in a condition that will allow the American people to have present and future opportunities to enjoy them.

The evaluation of whether impacts of a proposed action would lead to an impairment of park resources and values is included in this LEIS. Impairment is more likely when there are potential impacts to a resource or value whose conservation:

- Is necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park;
- Is key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or
- Is identified as a goal in the park’s general management plan or other relevant NPS planning documents.

Migratory Bird Treaty Act, Amendments and Implementing Regulations

The MBTA implements treaties signed between the United States, Canada, Mexico, Japan, and Russia to regulate the harvest of migratory birds. Adopted in 1918, this legislation prohibited all commercial bird hunting and specified a closed season on the taking of migratory game birds between March 10 and September 1 of each year. The intention of the MBTA is to preclude the over harvest of bird species which migrate between Canada, the United States and Mexico, as well as those species which move between Russia, Japan and the United States, and provides the following protection to migratory birds:

Except as allowed by implementing regulations, this act makes it unlawful to pursue, hunt, kill, capture, possess, buy, sell, purchase, or barter any migratory bird, including the feathers or other parts, nests, eggs, or migratory bird products.

Because the MBTA (and the treaties it implements) failed to provide adequately for the traditional harvest of migratory birds and their eggs by northern peoples during the spring and summer months, the United States negotiated protocols amending both the Canada and Mexico treaties to allow for subsistence harvest of migratory birds by indigenous inhabitants of identified subsistence harvest areas in Alaska. A treaty amendment ratified by Congress in 1997 authorized the traditional subsistence harvest of migratory bird eggs in Alaska by permanent residents of designated villages, regardless of race.

Based on a petition submitted by the HIA to authorize the harvest of glaucous-winged gull eggs, the U.S. Fish and Wildlife Service (USFWS) proposed regulations, published at 69 FR 1686, to include the community of Hoonah as a qualified community. The final rule, published at 69 FR 17318 authorized the permanent residents of Hoonah to collect the eggs of glaucous-winged gulls from 15 May – 30 June in a designated harvest area on National Forest lands in Icy Strait and Cross Sound, including Middle Pass Rock near the Inian Islands, Table Rock in Cross Sound, and other traditional locations on the coast of Yakobi Island. However, the USFWS regulations (50 CFR 100.3) do not apply to Glacier Bay National Park because the park is closed to all taking of wildlife, including subsistence harvest (16 USC 3126 and 410 hh-1). The USFWS promulgates regulations annually to regulate the taking of migratory birds in Alaska, where allowed.

Indian Reorganization Act

The HIA is authorized under the Acts of Congress of June 18, 1934 (48 Stat. 984) and of May 1, 1936 (49 Stat. 1250) to act as the sovereign government of the Huna Tlingit. Under terms of their constitution, the HIA is authorized “To negotiate with the Federal and Territorial (now State) Governments on behalf of the Association and to advise and consult with representatives of the Interior Department on all activities of the Department that may affect the HIA” (Hoonah Indian Association Constitution, Article V, Sec. 1 [a]).

Endangered Species Act

This act requires federal agencies to ensure that any action they authorize, fund, or carry out does not jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat.

Marine Mammal Protection Act

The Marine Mammal Protection Act (16 USC 1361) prohibits “taking” marine mammals without authorization. Taking is “to harass, hunt, capture, collect, or kill, or attempt to harass, hunt, capture, collect or kill any marine mammal (16 USC 1362).” Determinations of “take” and “harassment” are under the jurisdiction of the National Oceanographic and Atmospheric Administration (NOAA) Fisheries. NOAA Fisheries’ guidelines recommend that vessels “remain at least 100 yards (90 meters) from whales, dolphins, porpoises, and from seals and sea lions that are on land, rock, or ice” (NOAA Fisheries 2002). While the NOAA Fisheries guidelines are only suggestions, NOAA Fisheries considers that, in most cases following these guidelines would avoid “taking” marine mammals, including harassment (FR 67: 20).

The Wilderness Act

The 1964 Wilderness Act established the National Wilderness Preservation System and identified the National Park Service as one of the four federal agencies responsible for protecting and preserving the nation’s wilderness resource. The Wilderness Act defines wilderness as an area:

...where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of land retaining its primeval character and influence, without permanent improvements of human habitation, which is protected and managed so as to preserve its natural conditions and which:

- *generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable;*
- *has outstanding opportunities for solitude or a primitive and unconfined type of recreation;*
- *has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and*
- *may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.*

Executive Orders

Executive Orders are binding directives issued by the President of the United States to guide federal agencies. In November 2000, President Bush issued Executive Order 13175, Consultation and Coordination with Indian Tribal Governments which established basic guidelines to be followed by all departments and agencies within departments in dealing with federally recognized tribal governments. The order states that:

When undertaking to formulate and implement policies that have tribal implications, agencies shall:

- *encourage Indian tribes to develop their own policies to achieve program objectives;*
- *where possible, defer to Indian tribes to establish standards; and*
- *in determining whether to establish Federal standards, consult with tribal officials as to the need for Federal standards and any alternatives that would limit the scope of Federal standards or otherwise preserve the prerogatives and authority of Indian tribes.*

Federal Regulations Pertaining to Parks

A body of regulations published at 36 CFR is designed to protect the various resources and purposes for which national parks were established. These regulations outline what actions may or may not occur on National Park System lands and waters. Implementation of an action alternative in this environmental document would require new regulations as existing regulations in 36 CFR clearly prohibit the harvest of gull eggs. Specifically, Part 2, Section 2.1 of this body of regulations prohibits, unless otherwise excepted:

Possessing, destroying, injuring, defacing, removing, digging, or disturbing from its natural state ... living or dead wildlife or fish, or the parts or products thereof, such as antlers or nests.

Part 13 of this code outlines regulations for the National Park System Units in Alaska. Subpart A, Sec.13.2(c) applies to all park areas in Alaska except Klondike Gold Rush National Historical Park, Sitka National Historical Park, the former Mt. McKinley National Park, and the former Katmai National Monument, and regulates the gathering or collecting of natural products. The regulations allow collection for personal use of natural plant foods, driftwood and uninhabited seashells, and dead wood on the ground.

NPS Management Policies

NPS management policies (NPS 2006) are the basic Service-wide policies of the Park Service. These policies are important factors in determining the effects presented in Chapter 4 of this LEIS. Adherence to policy is mandatory unless specifically waived or modified by the Secretary of the Interior, the Assistant Secretary of the Interior, or the NPS Director. Applicable policies are defined and available on the NPS website at www.nps.gov/refdesk/mp/.

Consultation Policy: National Park Service Policy emphasizes the importance of gathering and incorporating public input in all management decisions and provides for public involvement in the preparation of all environmental documents, including environmental impact statements. While the NPS is committed to the open and meaningful exchange of knowledge and ideas with any outside parties having an interest in the park's resources, NPS policy states that:

...the Service will be especially mindful of consulting with traditionally associated peoples - those whose cultural systems or ways of life have an association with park resources and values that pre- dates establishment of the park. Traditionally associated peoples may include park neighbors, traditional residents, and former residents who remain attached to the park area despite having relocated (NPS 2006:5.2.1).

NPS policy reiterates that consultation with federally recognized tribes will be on a government-to-government basis.

Plant and Animal Harvest Policy: Federal regulations govern the taking of natural resources on National Park System lands and waters, but NPS policy also addresses resources harvest. Policy states that:

Public harvesting of designated species of plants and animals, or their components, may be allowed in park units when:

- *Hunting, trapping, subsistence use, or other harvesting is specifically authorized by statute or regulation and not subsequently prohibited by regulation*
- *Harvest of certain plant parts or unoccupied seashells for personal consumption or use is specifically authorized by the superintendent in accordance with 36 CFR 2.1(c) (1) (NPS 2006:4.4.3).*

Policy clarifies that any permitted harvest will occur only when monitoring requirements have been met and the NPS has determined that the harvesting will not impact park resources or natural processes.

Resource Access and Use Policy: NPS policy also emphasizes a park unit's obligation to allow American Indians and other traditionally associated peoples access to, and use of, ethnographic resources. NPS believes that such access is often essential to the survival of family, community, or regional cultural systems, including patterns of belief and sociocultural and religious life. However, the NPS may not allow access and use if park purposes and values would be impaired.

Ethnographic Resource Policy: Park ethnographic resources are the cultural and natural features of a park that are significant to traditionally associated peoples including contemporary park neighbors and ethnic or occupational communities that have been associated with a park for two or more generations (40 years), and whose interests in the park's resources began prior to the park's establishment. NPS policy states that in Alaska and elsewhere, "*the Service will try to strengthen the ability of traditional and indigenous peoples to perpetuate their culture to enrich the parks with a deeper sense of place and applicable traditional knowledge held by associated groups*" (NPS Management Policies 2006:5.3.5.3).

Relationship of Proposal to Other Planning Projects

General Management Plan: Glacier Bay National Park and Preserve's *General Management Plan* (NPS 1984) sets the overall direction for management of natural and cultural resources, visitor use, land protection, and facility development.

Vessel Quotas and Operating Requirements Plan/EIS: Glacier Bay National Park and Preserve's *Vessel Management Plan/EIS* (NPS, 2003) established new quotas and operating requirements for four types of motorized watercraft – cruise ships and tour, charter, and private vessels – within Glacier Bay and Dundas Bay in Glacier Bay National Park and Preserve.

1.5 ISSUES AND IMPACT TOPICS

1.5.1 Issues Selected for Detailed Analysis

The NPS conducted meetings with staff and consulted with the HIA and state and federal agencies to identify concerns related to the proposed activity. As a result of these meetings, several impact topics were identified. An impact topic is a resource or value that could be affected by actions taken under one or more alternative. Subsequent discussions of the environmental consequences related to each alternative focus on these impact topics.

Glaucous-winged Gull Population

Glaucous-winged gulls have nested on South Marble Island and elsewhere in the Park since at least the early 1900s and likely long before.

- Harvesting eggs from glaucous-winged gull colonies could reduce the number of eggs available to successfully hatch and fledge gull chicks thereby reducing the population of glaucous-winged gulls in Glacier Bay National Park.

- Harvesting eggs from glaucous-winged gull colonies could result in physiological stress to adult female and male gulls resulting in poor physical condition of adults with concomitant reduced ability to successfully lay, relay and/or rear hatched chicks.
- Harvest activities in and near glaucous-winged gull colonies could disturb nesting gulls, resulting in stress to adults and newly hatched young and/or chilling or loss of eggs or chicks if adults are flushed off nests for long periods.

Other Cliff/Ground Nesting Bird Populations

South Marble Island and other sites that support glaucous-winged gull colonies in the park also support a variety of other nesting or roosting seabirds including Arctic terns, black-legged kittiwakes, black oystercatchers, pigeon guillemots, tufted puffins, horned puffins, pelagic cormorants, and doubled-crested cormorants.

- Vessels providing access to harvesters may approach cliff/ground nesting bird colonies, resulting in adults flushing from nests and leaving eggs and/or chicks subject to chilling and/or increased predation. Disturbed chicks may fall from cliffs.
- Foot traffic associated with harvest activities in cliff/ground nesting bird colonies may disturb nesting birds resulting in adults flushing from nests and leaving eggs and/or chicks subject to chilling and/or increased predation. Disturbed chicks may fall from cliffs.

Threatened and Endangered Species: Steller Sea Lion Population

Steller sea lions haul out throughout the park; South Marble Island supports more than 500 mostly male Steller sea lions. Steller sea lions are listed as endangered (western stock) and threatened (eastern stock which includes most sea lions that use Glacier Bay).

- Vessels associated with egg harvest activities may disturb sea lion haul outs resulting in disturbance and reduced fitness in individual sea lions.
- Foot traffic associated with egg harvest practices near sea lion haul outs could result in disturbance and reduced fitness in individual sea lions.

Harbor Seal Population

Harbor seals haul out on reefs and islands near several glaucous-winged gull nesting areas.

- Vessels associated with egg harvest activities may disturb harbor seals thus reducing fitness in individual seals.
- Foot traffic associated with egg harvest practices near harbor seal haul outs could result in disturbance and reduced fitness in individual seals.

Wilderness

Approximately 2,658,186 acres within the park boundaries, including all of the sites currently serving as glaucous-winged gull nesting areas, are designated wilderness. Wilderness areas in the park provide outstanding opportunities for solitude in a pristine environment.

- Harvest activities and/or the removal of eggs may affect the unique wilderness qualities of Glacier Bay including opportunities for solitude and the pristine environment.

Ethnographic Resources (Huna Tlingit Gull Egg Harvest Practices)

The collection of glaucous-winged gull eggs on South Marble Island and elsewhere in Glacier Bay is a documented traditional cultural practice. Gull egg harvest occurred in the area long before establishment of the Monument in 1925. Participating in seasonal harvest rounds – in particular the harvesting of gull eggs - is integral to the identity of the Huna Tlingit. Egg harvest was one means by which the Huna Tlingit maintained ties to their traditional homeland in Glacier Bay and served as a mechanism for transmitting stories, moral codes, and cultural traditions to the younger generation.

The loss of legal access to gull eggs from Glacier Bay has:

- added to the Huna Tlingit's sense of alienation from their homeland and their culture,
- prevented young tribal members from learning about the traditions associated with harvesting gull eggs as well as Tlingit stories, morals, and ethics,
- denied Huna tribal members of a culturally, socially and spiritually important food and activity,
- and altered the Huna Tlingit's participation in ecological processes.

1.5.2 Impact Topics Dismissed from Further Evaluation

A number of potential issues were considered but eliminated from further evaluation because the alternatives considered would not adversely affect the noted topic and/or because the topic was considered outside the scope of this document.

Vegetation

South Marble Island supports a variety of low-growing herbaceous communities as well as a mature stand of Sitka spruce. Although some minimal trailing may occur in herbaceous communities following foot traffic associated with the action alternatives, long-term impacts to the vegetation would not be expected because egg harvesters (12 maximum) would only be on the island for a portion of one to two days per year.

Traditionally, the Huna Tlingit managed areas supporting limited resources such as berry patches by controlling vegetation. However, Hunn et al. (2002) did not record any reports of vegetation

control associated with maintaining suitable nesting habitat in gull colonies. Vegetation control was suggested as one possible means of maintaining suitable nesting habitat during the scoping phase of this LEIS. The LEIS does not consider this action as NPS policy precludes vegetation control outside of developed areas.

Bald Eagle

Bald eagles (*Haliaeetus leucocephalus*) are frequent predators of glaucous-winged gull eggs and chicks and have been observed in or near colonies of nesting gulls throughout Glacier Bay National Park. None of the alternatives are believed to affect individual bald eagles or bald eagle populations because gull eggs and gull chicks constitute a very minor part of bald eagle diets.

Humpback Whales

Humpback whales (*Megaptera novaeangliae*), an endangered species, are seasonal residents of Glacier Bay and frequently feed in lower portions of the Bay including near South Marble Island. None of the alternatives would be expected to impact humpback whales as the activities considered in this analysis are ground based and because vessels associated with harvest activities would be required to abide by Glacier Bay National Park vessel regulations.

Visitor Experience

South Marble Island is a popular tourist attraction for tour boats, charter vessels, and private vessels drawn to the site by the flocks of nesting seabirds and the Steller sea lion haul outs. The proposed activity would not affect visitor access or use patterns because:

- harvest activities would be limited to a few days each year,
- harvest would occur in late May or early June, a time of relatively low visitor use,
- group size would not exceed 12 individuals, the current backcountry group size limit,
- vessels associated with harvest would be required to maintain regulated distances from marine mammals and seabird nesting sites areas,
- interpretive and educational efforts would inform visitors about harvest activities and the NPS decision making process in regard to egg harvest.

Visitor use on or near other potential harvest sites is extremely low as these sites are, in general, not on the tour boat route and are dangerous to approach closely. It is extremely unlikely that visitors would encounter harvesters at other potential harvest locations. None of the alternatives are expected to affect visitor experience. Some aspects of visitor experience are analyzed under the Effects on Wilderness (see Section 4.4.1).

1.5.3 Possible Conflicts Between the Proposal and Land Use Plans, Policies, or Controls for the Area Concerned

The proposed action is prompted and required by numerous plans, policies, and laws. In particular, Public Law 106-455 directed the National Park Service to consider authorizing the harvest of gull eggs following studies and an analysis of effects.

Energy Requirements and Conservation Potential

This LEIS does not address fuel conservation potential as this topic is outside the scope of this LEIS.

Natural or Depletable Resource Requirements and Conservation Potential

All alternatives strive to protect natural resources, since such protection is one of the fundamental missions of the NPS. Potential effects on natural resources are described under each resource topic in Chapter 4.

Urban Quality, Historic and Cultural Resources, and Design of the Built Environment

The project area does not involve urban areas and project activities would not affect historic resources or the built environment. Cultural resources are addressed in Chapters 3 and 4.

Wetlands and Floodplains

None of the alternatives considered would affect shoreline communities. The project area contains coastal wetlands, but none are anticipated to be adversely affected by any of the alternatives. No floodplains would be affected by any of the alternatives.

Prime and Unique Farmlands

No prime or unique farmlands are present within the project area.

Endangered or Threatened Plants and Animals and Their Habitats

No endangered or threatened plants are present in the park. The endangered humpback whale, while present in the project area, would not be adversely affected by any of the alternatives as the actions are land-based and vessels accessing harvest locations would abide by existing vessel regulations. The threatened Steller sea lion is discussed in detail in Chapters 3 and 4.

Important Scientific, Archeological, or Other Cultural Resources

One of the primary purposes of Glacier Bay National Park and Preserve is to support scientific research related to glaciation and other natural processes. No scientific or archeological

resources would be adversely affected by any of the alternatives. Cultural resources are addressed in detail in Chapters 3 and 4.

Ecologically Critical Areas, Wild and Scenic Rivers, or Other Unique Natural Resources

No wild and scenic rivers are present within the project area. The project area contains many ecologically critical areas, and, in fact, the entire park can be considered an ecologically critical area. Potential effects are presented in Chapter 4 under the various resource topics.

Public Health and Safety

No public health and safety issues are anticipated.

Coastal Zone Management Act

The Coastal Zone Management Act (CZMA) of 1972 (16 USC 1451, as amended) provides assistance to states, in cooperation with federal and local agencies, for developing land and water use programs in coastal zones. Section 307 of the CZMA stipulates that federal projects that affect coastal resources or uses in a state's coastal zone must be consistent to the maximum extent practicable with the relevant enforceable policies of that state's federally-approved coastal zone management plan. As "lands the use of which is by law subject solely to the discretion of...the Federal Government, its officers, or agents," Glacier Bay National Park is statutorily excluded from the CZMA's definition of Alaska's "coastal zone" (16 USC § 1453[1]). Based on the assessment of potential effects documented in this LEIS, the NPS has determined that implementation of any alternative would only affect coastal resources and uses within the boundaries of federally controlled property and would have no effects outside these boundaries. Consequently, the CZMA Section 307 federal consistency requirement does not apply and coordination with the State of Alaska is not required.

Sacred Sites

Although many of the sites which would be subject to egg harvest are of great importance to the Huna Tlingit, none are known to be sacred sites.

Indian Trust Resources

No known Indian trust resources are present within the project area.

1.6 PERMITS AND APPROVALS NECESSARY TO IMPLEMENT THE PROJECT

1.6.1 Migratory Bird Treaty Act

The harvest of glaucous-winged gull eggs would be subject to annual migratory bird harvest regulations published by the USFWS. The annual regulations implementing the amended MBTA are required because migratory bird harvest is closed unless opened by regulation. In Alaska, regulations governing subsistence harvest of migratory birds is subject to periodic review and annual approval. NPS would work closely with the USFWS to coordinate any changes to NPS regulations with annually-promulgated USFWS regulations.