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*National Park Service*  
U.S. Department of the Interior

Glacier Bay National Park and Preserve  
Alaska



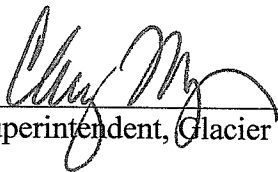
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**Harvest of Glaucous-Winged Gull Eggs by Huna Tlingit in  
Glacier Bay National Park and Preserve**

**Record of Decision**

**August, 2010**

Recommended:

  
Superintendent, Glacier Bay National Park and Preserve

August 25, 2010  
Date

Approved:

  
Regional Director, Alaska

9/3/2010  
Date

**UNITED STATES DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE**

**RECORD OF DECISION**

**HARVEST OF GLAUCOUS-WINGED GULL EGGS BY HUNA TLINGIT IN  
GLACIER BAY NATIONAL PARK AND PRESERVE  
LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT**

**Glacier Bay National Park and Preserve**

**Alaska**

**INTRODUCTION**

This Record of Decision (ROD) documents the National Park Service (NPS) determination that harvest of glaucous-winged gull eggs could be authorized in Glacier Bay National Park without impairing the biological sustainability of the park's glaucous-winged gull population or impacting other park purposes and values. Implementation of the decision would be subject to promulgation of public law and regulations, revising 36 Code of Federal Regulations.

The ROD has been prepared by the NPS pursuant to the National Environmental Policy Act of 1969 and 40 CFR 1505.2. This document details the background of the project, the decision made (selected alternative), other alternatives considered, the basis for the decision, the environmentally preferred alternative, measures adopted to minimize environmental harm, and public involvement in the decision-making process.

**BACKGROUND OF THE PROJECT**

Glacier Bay National Park is the traditional homeland of the Huna Tlingit who harvested eggs at gull rookeries in Glacier Bay prior to, and following, park establishment in 1925. Egg collection was curtailed in Glacier Bay in the 1960s as both the Migratory Bird Treaty Act and NPS regulations prohibited the activity. The Huna Tlingit claim that the loss of legal access to gull eggs in Glacier Bay has affected their physical, cultural and spiritual well being.

Section 4 of the Glacier Bay National Park Resource Management Act of 2000 ( P.L. 106-455) directed the NPS to "...undertake a study of sea gulls living within the park to assess whether sea gull eggs can be collected on a limited basis without impairing the biological sustainability of the sea gull population in the park." The legislation also states that if the study determines that collection could occur without impairing the biological sustainability of the gull population in the park, "... the Secretary shall submit recommendations for legislation..." to the House and Senate authorizing committees.

The NPS conducted biological and ethnographic studies and used the associated data to analyze the potential effects of egg harvest on park purposes and values in Draft and Final Legislative Environmental Impact Statements.

## **DECISION (SELECTED ACTION)**

The NPS has selected Alternative 3 (Two Annual Harvest Visits to Five Locations) based on consideration of the park's purposes and mission, NPS policies, resource information and values analyzed in the FLEIS, and comments received throughout the LEIS process. The FLEIS analysis determined that this alternative would not adversely impact park purposes and resources. A mathematical model developed to analyze the potential effects of harvest predicted that hatching success would likely be only slightly reduced (6%), adult gulls would expend slightly more energy in protracted laying, and female gulls could have slightly increased corticosteroid levels under harvest strategies described for the selected alternative. Disturbance to nesting gulls is expected to be minimal. The FLEIS analysis determined that these effects would be minor and would not affect the sustainability of gull populations in the park.

### **Description of the Selected Action**

Alternative 3 (Two Annual Harvest Visits to Five Locations) could be implemented upon enactment of legislation to authorize the annual harvest of glaucous-winged gull eggs at up to five designated locations in Glacier Bay National Park on two separate dates by members of the Huna Indian Association (HIA). Legislative proposals from the National Park Service are subject to review by the Department of the Interior and the Executive Office of the President before transmittal to Congress can be approved. Thus, a legislative proposal is not included in this Record of Decision. If legislation authorizing the annual harvest of glaucous-winged gull eggs is enacted, each year the NPS and the HIA would prepare a harvest plan to identify sites open to harvest based on annual monitoring and harvest history. A first harvest visit could occur at each of the open sites on or before the 5<sup>th</sup> day following onset of laying, as determined by NPS staff monitoring a reference site. A second harvest at the same sites could occur within nine days of the first harvest. If inclement weather, logistics or other issues prevented a first harvest visit within five days of onset of laying, only one harvest would be allowed in that year. No harvest visits would occur after June 15 of any year. The harvest plan would include, at a minimum, vessel(s) to be used to access harvest sites, tentative itinerary for harvest date(s), harvest locations, and names of harvesters. Information in this plan would be used to prepare any necessary park permits including regulatory exemptions to 36 CFR 13.1178.

### *Harvest Locations*

Any of the following sites could be identified by the Superintendent as suitable for harvest:

- South Marble Island
- Lone Island
- Geikie Rock
- Boulder Island
- Muir Inlet shoreline (between Riggs and Muir Glaciers)
- Flapjack Island

- Seabee Island
- Tlingit Point Islet
- Sturges Island
- Sealers Island
- Graves Island (Outer Coast)
- Hugh Miller Islet
- Margerie Glacier
- Mt. Wright
- Muir Inlet Cliffs

It is likely that gulls will begin nesting in new sites or cease nesting in existing sites over time. The list above would be amended as information on new colonies becomes available. Conversely, vegetation succession at currently active glaucous-winged gull nesting areas may eventually preclude gull nesting at these sites. In these cases, the Superintendent would remove such sites from the list of potential harvest locations.

In general, harvest sites would be selected based on:

1. Size of colony: Larger colonies are preferred both in terms of maximizing potential harvest as well as in terms of maintaining gull reproductive biology.
2. Gull population parameters: Data on these parameters would be acquired through the annual monitoring program.
3. Productivity: Sites with high productivity (producing, on average, more than 2 eggs per nest) are preferred.
4. Gull population status: Sites with larger gull populations are preferred.
5. Recent egg harvest or disturbance: Sites that have not been harvested from or disturbed recently are preferred.
6. Age of colony: Older colonies are preferred; egg laying must be documented for at least 6 years prior to a colony being opened to harvest.
7. Other species present, potential for disturbance: Sites that support no, or few other nesting birds and/or do not serve as marine mammal haul outs are preferred.

Other factors to be considered in harvest site selection include:

- Distance from Hoonah: Sites closer to Hoonah are preferred.
- Accessibility by vessel: Sites that can be easily and safely accessed by vessel without disturbing other wildlife are preferred.
- Safety: Sites that are less steep and provide easier foot access are preferred.
- Visitor use: Sites with low levels of visitor use are preferred.

### *Harvest Methods*

The HIA would assign harvesters to search sections in each colony open to harvest. Harvest locations and access pathways would be delineated to minimize contact with other bird colonies and to ensure that harvesters moving through a colony would not disturb hauled out marine mammals. Harvesters would be authorized to collect eggs from nests with one, two, three or four eggs; however, harvesters could choose to harvest according to their families' tradition (i.e., leaving nests with three or four eggs undisturbed) if they chose. Regardless of the clutch size or harvest strategy selected, harvesters would be required to remove all eggs from harvested nests to stimulate laying of a second clutch. Harvesters would tally the number of nests located and harvested from (the number of nests with zero, one, two, three, and four eggs). No eggs would be taken from nests with pipping or star-fractured eggs. Harvesters would make only one pass through each colony and would move steadily through nesting areas to reduce disturbance. No time limit in the colony would be imposed on harvesters. Resting, eating, etc. would take place on beaches or outside nesting areas to reduce disturbance.

### *Harvest Limits*

The total number of eggs harvested in a particular location, on a particular day, or in a particular year would not be regulated. Biological studies indicate that harvest limits are not necessary to ensure the biological sustainability of glaucous-winged gulls in the park, provided all eggs are removed from harvested nests in order to stimulate laying of a second clutch. Therefore, harvesters would be authorized to harvest as many eggs as available using their families' or group traditions, but all eggs must be removed from any harvested nest.

### *Harvest Group/Group Size*

Each harvest group would include up to twelve tribal members identified by the HIA. In addition, one official representative (from the NPS and/or the HIA) would accompany the group to collect data. This individual would remain on the beach and would also serve as the logistics coordinator, maintaining contact as necessary with harvesters. The Superintendent could authorize additional participants/observers to join the group, but these individuals would remain on the beach and/or on the vessel(s) to minimize disturbance in the breeding colonies. Harvesters would abide by the requirements of the Wilderness Visitor Use Management Plan as well as the park's annual compendium.

### *Accessing Sites*

Vessels associated with harvest activities would be required to adhere to vessel operating regulations per 36 CFR Part 13. Depending on harvest sites authorized, an NPS permit may be required to waive the 100-yard approach distance to South Marble Island, Flapjack Island, Boulder Island, Geikie Rock and/or Lone Island (36 CFR 13.1178) to allow access to, and foot traffic at, harvest locations. However, vessels would not be permitted to approach hauled out marine mammals closer than 100 yards.

A 2003 amendment to the Memorandum of Understanding between the NPS and the HIA authorizes the HIA to allocate vessel entries to tribal members during the June 1–August 31 visitor season. The HIA would use this vessel entry provision to access Glacier Bay to harvest gull eggs. Vessels associated with egg-harvest activities would call in to Bartlett Cove dispatch upon arrival in the park and would comply with all park vessel regulations other than those exempted through this action.

Detailed guidelines for landing on specific islands and accessing nesting areas would be developed and included in the annual harvest plan.

### *Harvest Data*

On-site activities will be documented in an annual report prepared by the HIA and submitted to the Superintendent following the close of the harvest season. The annual report may include information such as:

- Date of site visits, harvest locations, and number of harvesters/site.
- Number of eggs taken from nests with one, two, three, and four eggs as well as number of nests with no eggs located at each site per visit.
- Number of pipped, star-fractured, or predated eggs and number of hatched chicks in nests located at each site per visit.
- Number of marine mammals hauled out at harvest location; number of animals leaving the haul out and entering the water before, during or immediately after harvest activities; behavioral changes including increased alertness or increased aggressive interactions at each site per visit.
- Other wildlife species present at each site per visit.
- Visitor interactions at each site per visit.

### *Superintendent Authority*

The Superintendent would retain the authority to modify or halt harvest activities in a given year should monitoring data or other evidence suggest that harvest activities could compromise the viability of gull populations.

### *Annual Monitoring*

Annual monitoring would assist the Superintendent in making decisions regarding harvest locations, harvest timing, and other harvest-related parameters and would help ensure that harvest activities are not impacting park purposes and values. The NPS, with assistance from the HIA, would collect the following types of information, contingent upon funding:

- Glaucous-winged gulls:

1. Identify onset of laying as determined by monitoring a reference site at South Marble Island or other sentinel location.
  2. Conduct a mid-season adult count by circumnavigating harvested nesting islands at high tide.
  3. Conduct nest counts of nests with zero, one, two, three, four eggs during harvest.
  4. Conduct a complete survey just before hatch of all harvested islands.
- Sea lions and harbor seals: Conduct visual counts of the number of marine mammals hauled out at South Marble Island and other potential egg harvest sites.
  - All avian species: Prior to harvest, conduct a vessel-based survey of potential egg harvest sites to tally numbers of all bird species seen.
  - Visitor Experience: Monitor the number of positive and negative comments to NPS staff about egg harvest activities.
  - Cultural: Monitor the number of individuals participating in egg harvest and how eggs are used (consumed at home, at celebrations, distributed in community, distributed outside of community).

### *Three-Year Study*

In addition to annual monitoring, a three-year study, subject to the availability of funds, would be conducted following the first year of harvest to identify potential causes of change in park glaucous-winged gull population levels. The study would include an assessment of egg laying phenology, predation pressure, and reproductive success in a subset of the South Marble Island colony (or other location). This would be accomplished by stationing a biologist(s) on South Marble Island for one to two weeks in mid-to late May to follow study protocols described by Zador (2001) or modified as new protocols are developed. This study would assist NPS in comparing the effects of harvest and environmental factors on glaucous-winged gull populations.

## **MITIGATING MEASURES**

Mitigation measures are largely incorporated into the selected alternative through the harvest strategy described above. The selected alternative was designed to prevent long term detrimental effects to the gull population, minimize disturbance to other wildlife present at egg collection sites, and protect the values of designated wilderness lands. Annual monitoring of the gull population and Steller sea lions, harbor seals, other nesting birds at or near collection sites would be conducted to insure that these resources are protected. The Superintendent would retain the authority to select harvest sites or to preclude harvest at a particular site if conditions warrant.

## **PUBLIC AND AGENCY INVOLVEMENT**

### **Scoping**

In response to Public Law 106-455, NPS published a Notice of Intent (NOI) to prepare an LEIS in the *Federal Register* (71 FR 54687) on September 18, 2006. The NOI invited Alaskan Natives, government agencies, environmental groups and the general public to comment on areas

of interest or concerns related to the action being proposed. In September 2006, the NPS published two brochures providing basic information about the LEIS and the NEPA process, outlining anticipated alternatives to be analyzed, and inviting the public to participate in the scoping process. One brochure was distributed to all Hoonah Indian Association (HIA) tribal members, and the second brochure was distributed to more than 500 individuals, agencies, and organizations.

The NPS received written comments from the State of Alaska and the National Parks Conservation Association during this initial scoping period. Both organizations supported the concept of authorizing traditional harvest activities. The NPS also received one comment from a private citizen who requested that NPS consider a fourth alternative.

### **Draft and Final Legislative Environmental Impact Statements**

A Notice of Availability for the Draft Legislative Environmental Impact Statement was published on December 19, 2008 in the *Federal Register* (73 FR 77837). The public comment period opened on December 19, 2008 and closed on March 6, 2009. NPS mailed copies of the DLEIS to approximately 150 individuals, agencies, and /or organizations; sent letters notifying additional organizations and entities of its availability; and posted the DLEIS on the Glacier Bay website and NPS Planning, Environment and Public Comment (PEPC) system. Public meetings were held in four Alaska communities: Anchorage, Juneau, Gustavus, and Hoonah. A Notice of Availability (NOA) for the FEIS was published in the *Federal Register* on May 26, 2010 (75 FR 29573).

### **Public Comment**

NPS received 27 public comments during the public comment period for the DLEIS. Many public comments suggested that harvest activities should occur earlier in the breeding season and that monitoring plans should be more detailed. Some public comments expressed concern that the hatching success estimated to result should the preferred alternative be implemented was too low. Last, a number of Huna Tlingit tribal members noted that their families had traditionally harvested only from nests with one or two eggs and several public comments noted that this practice was cited in the published literature as a frequently employed harvest strategy. Many tribal members also requested that more than one group be authorized to harvest. Alternative 3, the Preferred Alternative, was revised to incorporate these and other comments. A number of commenters did not support an annual harvest of glaucous-winged gull eggs in the park.

### **Tribal and Agency Consultation**

NPS staff began tribal government consultation with the Hoonah Indian Association (HIA) in early 2006 to identify potential impact topics, discuss the preliminary alternatives, and describe potential impacts. Tribal representatives were informed throughout the process as alternatives were developed and initial analysis completed.

On November 23, 2009 the NPS initiated informal consultation with the National Marine Fisheries Service (NMFS) under Section 7 of the Endangered Species Act (Appendix 5). On



February 3, 2010 the NMFS completed an analysis of the effects of the proposed action on the threatened and endangered stocks of the Steller sea lion. The NMFS concluded that the proposed action will, at most, have an insignificant effect on Steller sea lions in the area.

The State of Alaska, under the management authority of the Alaska Department of Fish and Game (ADF&G) has the primary responsibility of protecting fish and wildlife species within the state. The NPS met with ADF&G staff during the scoping period to discuss the range of alternatives and identify any potential impact topics and/or effects of proposed activities.

The NPS determined that no historic properties would be affected by the undertaking and received concurrence from the Alaska State Historic Preservation Officer on December 11, 2009.

## **OTHER ALTERNATIVES CONSIDERED**

The NPS considered two other alternatives in the FLEIS designed to respond to Public Law 106-455; a No-Action Alternative and a second alternative which would require legislation to authorize limited traditional harvest of glaucous-winged gull eggs.

### **Alternative 1 (No Action)**

Under Alternative 1 (No Action) the harvest of glaucous-winged gull eggs in Glacier Bay National Park would not be authorized. Legislation would not be proposed and gull egg harvest in the park would remain closed by statute. Alternative 1 (No Action) provides a baseline for evaluating the impacts to park resources that would result from the action alternatives.

### **Alternative 2 (One Annual Harvest Visit to Two Locations)**

Alternative 2 could be implemented upon enactment of legislation to authorize the annual harvest of glaucous-winged gull eggs. The NPS analysis concludes that harvest at up to two designated locations on a single pre-selected date on or before June 9 in Glacier Bay National Park would not impair park resources or values. The NPS and Hoonah Indian Association (HIA) would prepare an annual harvest plan to identify sites open to harvest based on annual monitoring and harvest history.

## **BASIS FOR THE DECISION**

The basis for the decision stems from park objectives and purposes and the need to respond to Public Law 106-455. Specifically, the decision was based on the following objectives:

- Provide for a limited gull egg harvest in the park by tribal members of the Hoonah Indian Association (HIA)
- Not impair the biological sustainability of the Park's glaucous-winged gull population
- Protect park resources and values

The NPS considered three alternative ways to meet these objectives. Based on the analysis presented in the FLEIS, public input, and discussions among park management and HIA, NPS

determined that Alternative 3 met these objectives best. Of the three alternatives considered, Alternative 3 most closely simulates the traditional harvest strategy of the Huna Tlingit people who collected eggs from a given site several times each year as small family groups. Alternative 3 would be expected to have the longest lasting positive effects on the Huna Tlingit culture as it allows a greater number of tribal members, particularly young people, to participate in harvest activities and would maximize the number of eggs harvested and made available to the community of Hoonah.

While Alternative 3 would provide for higher levels of egg harvest than Alternatives 1 and 2, the FLEIS analysis determined that the alternative would not adversely impact park purposes and resources. A mathematical model developed to analyze the potential affects of harvest on glaucous-winged gulls in Glacier Bay predicted that hatching success would likely be only slightly reduced (6%) across Glacier Bay, adult gulls would expend slightly more energy in protracted laying, and female gulls could have slightly increased corticosteroid levels under harvest strategies described for the selected alternative. Disturbance to nesting gulls is expected to be minimal as harvest would occur on only two days each year and harvesters would be required to move through the colony quickly. The FLEIS analysis determined that these effects would be minor and would not affect the sustainability of gull populations in the park.

The selected alternative would not be expected to disturb other cliff and ground nesting bird populations and marine mammals (harbor seals and Steller sea lions) because harvest activities would occur on only two days each year, harvest areas are generally removed from nesting areas of other birds and marine mammal haul out areas, and harvesters and vessels associated with harvest activity would not be permitted to approach hauled out marine mammals closer than 100 yards.

Because the selected alternative would not involve development, no long term evidence of human use would occur, and harvest activities would be short in duration, wilderness resources and values would not be affected. Monitoring activities described for the selected alternative and the adaptive management approach outlined would ensure that park purposes and values were protected. The Superintendent would retain the authority to preclude harvest at any time.

## **ENVIRONMENTALLY PREFERRED ALTERNATIVE**

In accordance with Director's Order 12, *Conservation Planning, Environmental Impact Analysis, and Decision-making*, the NPS is required to identify the "environmentally preferred alternative" in all environmental documents, including environmental impact statements. The environmentally preferred alternative is "the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources."

Based on these criteria, NPS identified Alternative 3 as the environmentally preferred alternative. While Alternatives 1 and 2 have less impact on the biological environment, neither protects nor preserves the cultural resource associated with traditional gull egg harvest practices. Alternative 3 accomplishes this while preserving the biological integrity of Glacier Bay National Park, in

that most harvested gull eggs would be re-laid and gull reproductive success would not be impaired.

## **NON-IMPAIRMENT DETERMINATION**

The FLEIS described direct, indirect, and cumulative impacts to the glaucous-winged gull population, Steller sea lion, harbor seal, other cliff/ground nesting bird populations, and wilderness. The level of impact described in the FLEIS for each of these resources would be minor or less and would not reach the level of impairment. Impacts to the human ethnographic resources of the Huna Tlingit would be beneficial. Egg harvesting traditions would be maintained and several opportunities would be provided for harvesters to interact with their traditional homeland in a culturally appropriate way.

## **CONCLUSION**

The limited harvest of glaucous-winged gull eggs from Glacier Bay National Park as described in the selected alternative will not impair the biological sustainability of glaucous-winged gull population in the park. All practical means to avoid or minimize environmental harm from the selected alternative have been adopted. Because there would be no major adverse impacts to resources that are necessary to fulfill specific purposes in the establishment legislation for the park or that are key to the natural or cultural integrity of the park or opportunities for enjoyment of the park, there would be no impairment of the park's resources or values. The selected alternative will not impair park resources and values. However, collection of gull eggs in the park is currently precluded by statute; further congressional action would be required to authorize gull egg collection.

