

Written Testimony of Robert Starbard
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H.R. 3110, the “Huna Tlingit Traditional Gull Egg Use Act.”
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The oral histories of the Huna Tlingit people describe the occupation of our ancestral lands, Glacier Bay, using the term “since time immemorial” to relate the continuous use of the land and resources from prehistory to the present. The Xuna Kawoo were already in the process of reclaiming ancestral resource harvesting sites when the first Euro-American explorers arrived on the scene to witness the release of Glacier Bay from its burden of ice. Historical accounts by the first early visitors mention the active involvement of Huna Tlingits in traditional activities throughout Glacier Bay. The 1792 Vancouver expedition encountered not only a massive wall of ice fronting the turbulent berg-choked waters of Icy Strait, they made note of their encounters with a native group camped near the mouth of the bay and seemingly at home in that inhospitable environment (Menzies 1993:148–51). John Muir, the noted naturalist ventured into the bay in 1878 guided by Tlingit hunters of the Xuna Kawoo.

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.

Many tribal members fondly recall how as children they traveled in late May and early June to the Marble Islands in Glacier Bay on family outings to harvest the large, rich gull eggs. Like most traditional hunting and gathering activities of the Tlingit people, the collection and consumption of gull eggs was and remains an integral part of Tlingit culture. It is a part of an annual cycle of renewal marking the return of spring. Glacier Bay was valued as the “breadbasket” of the Xuna Kawoo; eggs are a healthy springtime food and egg harvesting activities provide opportunities for family bonding, intergenerational learning, and connection to homeland.

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.

The Xuna Kawoo 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 study was conducted, and the National Park Service wrote an environmental impact statement, and in August 2010 issued a record of decision which found that collection under certain conditions would be sustainable.

The Migratory Bird Treaty Act (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.

HIA submitted a petition to authorize the harvest of glaucous-winged gull eggs to the U.S. Fish and Wildlife Service (USFWS). They in turn 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.

Harvesting in the USFWS designated areas has permitted Huna Tlingits to continue to collect gull eggs for personal consumption but compare unfavorably to Glacier Bay in terms of the cost and time to access, distance, weather,

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. HIA and the NPS would work closely with the USFWS to coordinate with annually-promulgated USFWS regulations.

The National Park Service has gone on record as supporting enactment of this legislation with an amendment that would make the role of the tribe merely advisory; however, we must respectfully decline to concur with the amendment proposed. Hoonah Indian Association appreciates the support of the NPS for the restoration of an integral cultural practice, and we recognize that the National Park Service have in recent years become tremendous advocates for and collaborators with the tribe in our efforts to return to an active role as a part of the unique landscape that is our traditional homeland.

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.*

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.

We firmly believe, working cooperatively and collaboratively with the National Park Service and the USFWS, we are fully capable of developing policies and standards necessary to achieve

a sustainable harvest in compliance with the objectives of this legislation, and recommendations of the Legislative Environmental Impact Statement (LEIS)

I believe that it is important to also reflect on the term “sustainable” at this moment, for much of the controversy involving matters of resource use in Glacier Bay National Park and Preserve seem to center around how one views and/or defines the terms of “conservation” versus “preservation” when it comes to debates involving management of the natural environment. I will leave it to others to continue the debate; I will however note that from my perspective, the preservationist ideal is clearly alien to the indigenous Xuna Kawoo. To hold indigenous peoples to the preservationist standard undermines the possibility of an effective alliance between conservation biologists and indigenous communities in defense of the environment.

To paraphrase the authors of the 2003 paper titled Huna Tlingit Traditional Environmental Knowledge, Conservation, and the Management of a “Wilderness” Park; the traditional gull-egg harvest practices of the Huna Tlingit are an example of indigenous resource management that might be judged conservationist, with the proviso that what is to be conserved is not biodiversity in the abstract but a living community that requires as a condition of its continued existence the sustainable management of the resources on which it depends.

I appreciate the opportunity to testify on this matter. I will be glad to answer any questions.