

HJR

30

<TARGET><BILL>HJR 30</BILL><SUBJECT>HJR
30</SUBJECT><COMM>HRES28</COMM></TARGET>

ALASKA STATE LEGISLATURE

Representative Bob Herron

Official Business



State Capitol
Juneau, Alaska
99801-1182

House Joint Resolution 30 – Izembek Land Exchange Version 28-LS1533A

Staff Contact: Liz Clement 465-6576

SPONSOR STATEMENT

King Cove, a first class city in the Aleutians East Borough, is a village of 950 residents. It is a wonderful place to live, but comes with a major challenge; King Cove residents lack reliable access to air transportation - the timely, lifesaving link they need in medical emergency situations. Currently, residents connect with the outside world by marine transport to neighboring Cold Bay, from whose airport they can access care in appropriate facilities – but this method is both expensive and unreliable.

Five years ago, the United States Congress passed the Omnibus Public Land Management Act of 2009, authorizing an "Izembek Land Exchange" to provide for the road. In this proposed exchange, the State of Alaska and King Cove Corporation would transfer over 61,000 acres to the federal government, in exchange for a mere 206 acres and a small parcel on Sitanuk Island, through which to construct a modest one-lane gravel access road between King Cove and Cold Bay. The proposed road is anticipated to see use by only 15 to 20 vehicles daily, but the access it provides will save lives.

In 2010, the Alaska State Legislature unanimously supported House Bill 210, approving the state's participation in the exchange.

In March 2013, at the end of a troubled multi-year Environmental Impact Statement process, then U.S. Secretary of the Interior Ken Salazar rejected the exchange. On December 23, 2013, after personally travelling to King Cove and meeting with residents, current Secretary Sally Jewell upheld that rejection.

This treatment is wrong for King Cove, and it is wrong for Alaska.

HJR 30 demonstrates our support for King Cove, urging Secretary Jewell to:

- 1) reconsider the Izembek Land Exchange decision, based on technical and procedural deficiencies in the EIS process; and
- 2) approve the Izembek Land Exchange, King Cove residents to have modest road access to the Cold Bay airport, which is critical to residents' health and life safety.

Please join me in support of HJR 30.

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: HJR 30
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HJR30-LEG-SESS-03-04-14
Title: IZEMBEK LAND EXCHANGE
Sponsor: HERRON
Requester: House Resources

Department: Alaska Legislature
Appropriation: Legislative Operating Budget
Allocation: Session Expenses
OMB Component Number: 782

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates				
			FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES	FY 2015	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency?
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial Version

Prepared By:	Jessica Geary, Finance Manager	Phone:	(907)465-6626
Division:	Legislative Affairs Agency	Date:	03/04/2014 04:06 PM
Approved By:	Pamela Varni, Executive Director	Date:	03/04/14
Agency:	Legislative Affairs Agency		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. HJR 30

Analysis

This legislation has zero fiscal impact on the Legislative Affairs Agency.

- Map Symbols**
- Proposed Route
 - Wilderness Trails
 - Existing Roads and Trails
 - Under Construction
 - Izembek National Wildlife Refuge
 - Designated Wilderness
 - Alaska Peninsula National Wildlife Refuge
 - Other National Wildlife Refuge Areas
 - State
 - Other Federal
 - King Cove Corporation Conveyed
 - Other Private
 - Selected Lands to be Relinquished*
 - Service Lands to go to State of Alaska
- *Where the Alaska Conservation Lands Act and the original transfer agreement require the transfer of lands to the State of Alaska for exchange or otherwise on this map.



Approximately 43,093 acres of state land proposed to transfer to the U.S.

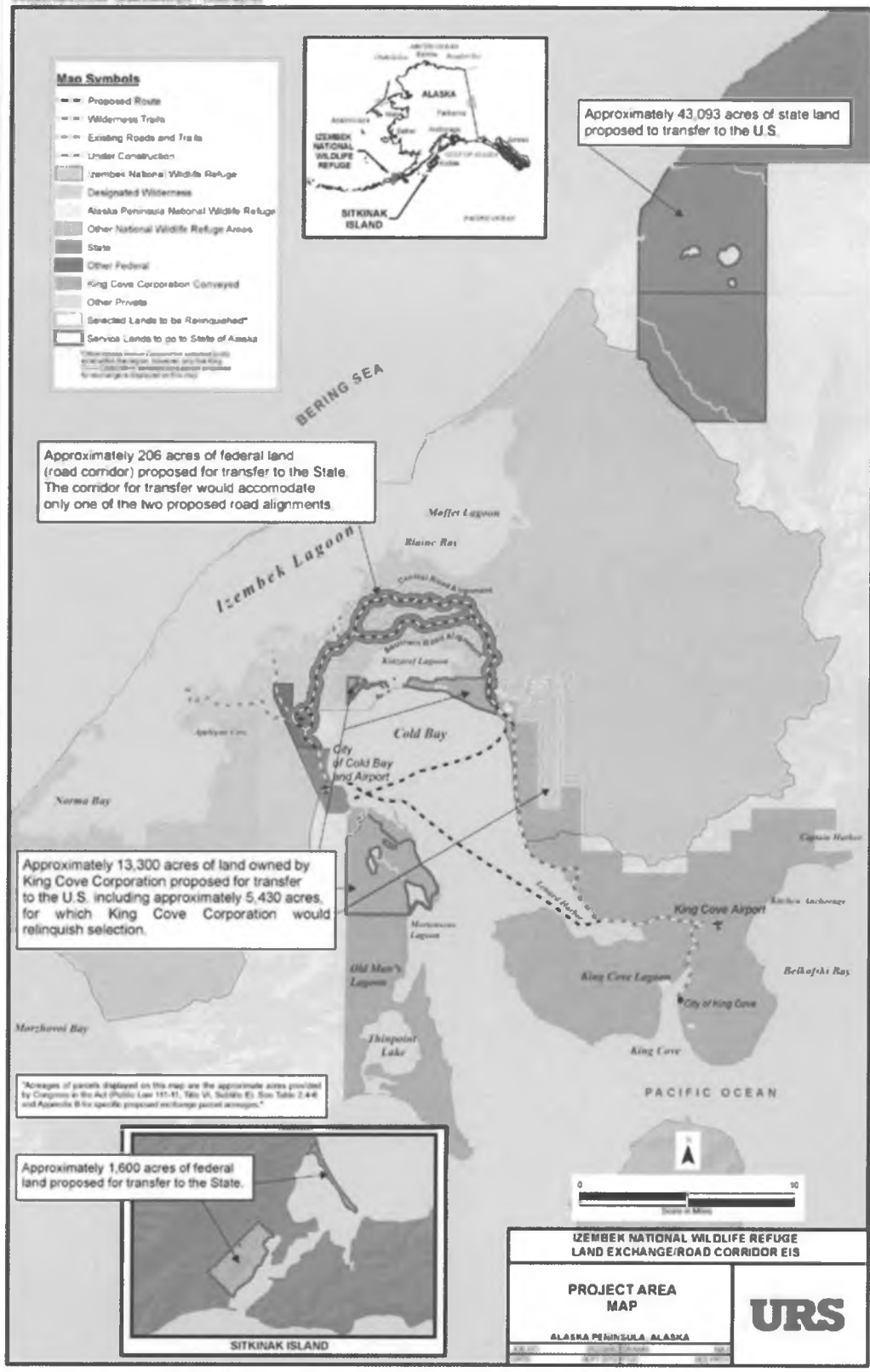
Approximately 206 acres of federal land (road corridor) proposed for transfer to the State. The corridor for transfer would accommodate only one of the two proposed road alignments.

Approximately 13,300 acres of land owned by King Cove Corporation proposed for transfer to the U.S. including approximately 5,430 acres for which King Cove Corporation would relinquish selection.

*Acreages of parcels displayed on this map are the approximate acres provided by Congress in the Act (Public Law 111-81, Title VI, Section E). See Tables 2-4-6 and Appendix B for specific proposed exchange parcel acreages.



Approximately 1,600 acres of federal land proposed for transfer to the State.



**IZEMBEK NATIONAL WILDLIFE REFUGE
LAND EXCHANGE/ROAD CORRIDOR EIS**

**PROJECT AREA
MAP**

ALASKA PENINSULA, ALASKA

URS



PRESS RELEASE:

King Cove Tribal Leaders Ask Interior Secretary Jewell to Reconsider Decision on Izembek Land Exchange and Road

King Cove, AK – Jan. 16, 2014 – King Cove Tribal leaders and members sent a letter to Interior Secretary Sally Jewell today, requesting that she reconsider her decision in which she rejected the land exchange and small gravel road corridor from the remote community to the nearby Cold Bay Airport, which Congress had enacted to secure the health, safety and quality of life for Alaskans, including Alaska Natives who live in Cold Bay. In the letter, members of the Agdaguux Tribe, the Belkofski Tribe and the King Cove (Native) Corporation called Jewell’s decision “arbitrary and capricious” because it was based upon the Secretary’s mistaken determination that there was a landing craft alternative to the road that met the “safe, reliable, and affordable” access criteria of the Purpose and Need Statement of the EIS. The Secretary’s conclusion that such an alternative existed was based on faulty and unsubstantiated information provided by the U.S. Fish & Wildlife Service (USF&WS).

The letter states that the Tribal leaders “earnestly believe the Secretary would have reached a different decision had she known that there is no alternative to the road that meets the safe, reliable and affordable Purpose and Need criteria of the EIS.”

“The U.S. Fish and Wildlife Service (USF&WS) led Secretary Jewell to believe that there is a land craft alternative to the road when that alternative doesn’t exist,” said Aleutians East Borough Stanley Mack. “That occurred after the Fish and Wildlife Service read a Borough letter, written to the Corps of Engineers about a year ago. In that that letter, the Borough, which has a Corps permit, committed only to try and develop a landing craft alternative. However, we learned soon afterward that neither landing craft nor any marine craft could provide safe, reliable

and affordable transportation between King Cove and Cold Bay. The Service latched onto the landing craft concept and ran with it, by including it in the EIS. Secretary Jewell then based her finding largely on that information.”

The Borough points out that the USF&WS’s landing craft alternative will not meet the “safe, reliable, and affordable” access criteria of the Purpose and Need Statement of the EIS because there is no docking or receiving facility for a landing craft or any marine vessel on the Cold Bay side, other than the existing Cold Bay dock. People and emergency vehicles cannot be unloaded safely and reliably, especially sick or injured patients being medevaced in harsh weather conditions. Additionally, a landing craft could not reach the northeast corner of Cold Bay in winter icing conditions and at low tides, and therefore, would not be a dependable option. The letter also mentions that a landing craft or any marine vessel is far more expensive for the Borough compared to the road alternative.

“The ROD provided no information about the operating costs of the landing craft,” the letter states. “The analysis in your final EIS for the proposed landing craft is described as “unavailable,” conveniently implying that there are no costs, while more than quadrupling the costs of the road alternatives from the draft EIS costs. The USF&WS failed to take the “hard look” at the alternative required by NEPA, making your decision arbitrary and capricious. Your decision is also a violation of your duty to make a decision which honors the trust responsibility to use the best information available to the Department to make a proper “public interest” determination under the Act.”

Importantly, the tribes and the Corporation state that Jewell violated the federal government’s commitment to consider the health and safety needs of Alaska Natives.

“In her decision to reject the road alternative and land exchange, she completely neglected her trust responsibility to the Aleut people of King Cove,” said Della Trumble, spokeswoman for the Agdaagux Tribe and the King Cove Corporation. “She ignored the needs of human beings in favor of birds when this is a matter of life and death for us.”

In addition, the letter states that a report addressing “whether and to what extent the road is needed to meet emergency medical needs,” as mandated by Jewell’s predecessor, Ken Salazar, was not produced as part of the record. Instead that report merely expressed the opinion of the King Cove residents. The letter further spells out that Jewell did not make public the transcript of the on-the-record public meeting until she published her decision in the Record of Decision (ROD).

“This failed to give the public any opportunity to react to clear testimony,” the letter states.

“It is critical that Secretary Jewell reopen this process to consider the evidence,” said Dean Gould, President of the King Cove Corporation and member of the Agdaagux Tribe. “We’re

confident her decision would have been different had she known that the evidence simply does not support the Fish and Wildlife Service's conclusion that an alternative to the road exists. It does not. The road remains the best option for providing safe and reliable access for our people to travel from King Cove to Cold Bay and to the outside world."

For more information, visit <http://www.aleutianseast.org/> .

Contacts:

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King Cove Group

Agdaagux Tribe of King Cove & Belkofski Tribal Council

King Cove Corporation

City of King Cove & Aleutians East Borough

Post Office Box 37

King Cove, Alaska 99612

907-497-2340 (phone) 907-497-2594 (fax)

January 15, 2014

The Honorable Sally Jewell, Secretary
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

Dear Secretary Jewell:

RE: Request for Reconsideration of the Record of Decision on Izembek Land Exchange EIS

This letter is a request that you reconsider your decision of December, 23, 2013 regarding the Izembek Land Exchange Act, Subtitle E, Section 6401 et. seq. of the Omnibus Public Lands Management Act of 2009 (OPLMA). This Act required that the Secretary make a public Interest determination on a proposed land exchange authorized by Congress in that Act. Following the passage of the Act, the Department undertook a nearly 5-year process to conduct an EIS. Your decision states that it is the decision for the EIS.

This request is based upon the failure of the Record of Decision (ROD) to consider information showing the lack of an access alternative to Cold Bay other than the road that meets the safe, reliable, and affordable criteria of the Purpose and Need Statement in the Environmental Impact Statement (EIS). We earnestly believe that you would have reached a different decision had you known that there is no alternative to the road that meets the safe, reliable and affordable Purpose and Need criteria of the EIS.

Specifically, the U.S. Fish & Wildlife Service (USF&WS) caused you to believe that there was a "landing craft" alternative to the road. The USF&WS construction of a landing craft alternative is premised upon its expansive and wishful over-reading of a Borough letter dated February 24, 2012 to the Corps of Engineers. In that letter, the Borough, the holder of the current Corps permit, committed only to attempt to develop a landing craft alternative. From this letter the USF&WS went to contractors that it selected to construct a USF&WS landing craft alternative. It appears that the scope of the project and project assumptions were provided to the contractors by the USF&WS.

The Borough has subsequently determined that neither a landing craft, nor any other marine solution, could provide safe, reliable, and affordable transportation services between King Cove and Cold Bay. The following list describes the reasoning for this conclusion.

1. There is no docking or receiving facility for a landing craft, or any marine vessel, on the Cold Bay side, other than the existing Cold Bay dock. People and emergency vehicles (i.e. ambulance) cannot be unloaded safely and reliably, especially persons being medevaced in bad weather (and thus this alternative is not safe and reliable, which the road is);
2. No previously reviewed potential site exists on the Cold Bay side to construct a docking or receiving facility for a landing craft on the Cold Bay side that:
 - a. would not be free of ice once constructed (e.g. a breakwater in front of the Cold Bay dock or from the outfall of the Cold Bay municipal treatment works);
 - b. would not be extraordinarily expensive to construct; and
 - c. would not arguably interfere with endangered species (e.g. at Delta Point).
3. A landing craft could not reach the northeast corner of Cold Bay in winter icing conditions and at low tides (and thus is not reliable, which the road is);
4. Because of its flat bottom, the waves and currents of Cold Bay would cause a landing craft to roll, which would make transport of a medevac patient from King Cove extremely difficult. The design of any kind of marine vessel for public transit has to consider passenger comfort. To avoid excessive sea sickness the vessel must be long enough (or have additional anti roll features) to be tolerable to the majority of passengers (and thus is not safe and reliable, which the road is);
5. A landing craft, or any marine vessel, would have significant difficulty in loading, unloading and accommodating an ambulance and a medevac patient during bad weather in Cold Bay (and thus is not safe and reliable, which the road is);
6. A landing craft, or any marine vessel, would have significant difficulty in loading, unloading and accommodating passengers and other vehicles during bad weather in Cold Bay (and thus is not safe and reliable, which the road is);
7. A landing craft, or any marine vessel, is far more expensive for the Borough compared to the road alternative. The ROD provided no information about the operating costs of the landing craft. The analysis in your Final EIS for the proposed landing craft is described as “unavailable”, conveniently implying that there are no costs while more than quadrupling the costs of the road alternatives from the draft EIS costs;

8. Based upon the traditional local knowledge of the aboriginal Aleut people about winds, oceans, and winter icing conditions in Cold Bay, the undersigned know that no viable landing craft can be developed that meets the Purpose and Need criteria of the EIS.

The landing craft alternative constructed by the USF&WS does not take these conditions into account. Thus, the USF&WS failed to take the "hard look" at the alternative required by NEPA, making your decision arbitrary and capricious.

The Borough also reviewed other marine alternatives including re-establishment of service with a hovercraft. Previous experience with the hovercraft operating between King Cove and Cold Bay found this solution to be unreliable and often with conditions unsafe to operate. The hovercraft as an alternative is far too expensive to be affordable for the Borough to operate. This information is based on further unsatisfactory use of the hovercraft at an alternative location between the City of Akutan and Akun Island. The Borough recently made a decision to abandon the use of the Hovercraft at this location since its experience there was that the hovercraft was enormously expensive costing over \$3 million per year to subsidize. Also, the overall lack of reliability due to weather, wind & wave conditions were major factors in discontinuing its use.

Because the USF&WS landing craft alternative does not meet the safe, reliable, and affordable access criteria of the Purpose and Need statement of the EIS we request that you reopen the process to consider the evidence, listed above, that no landing craft alternative can meet the Purpose and Need criteria of the EIS. We are sure you agree that your decision would have been different had you known that the evidence does not support the USF&WS's conclusion that an alternative to the road exists.

Moreover, because there is no such evidence, the assertion in the ROD that there is an alternative to the road that meets the Purpose and Need criteria not only makes your decision arbitrary and capricious, but a violation of your duty to make a decision which honors the Department's Trust responsibility to use the best information available to the Department to make a proper "public interest" determination under the Act. Further, your decision does not make a public interested-determination, which must necessarily take in to account whether the decision meets the Purpose and Need criteria of the EIS.

If reconsideration is granted, the undersigned intends to provide confirming information, including marine engineering information, describing why there is no safe, reliable, and affordable alternative to the road.

There are several other reasons why reconsideration is warranted, including:

1. The "landing craft" alternative was improperly included in the No Action Alternative only after publication of the Draft EIS, which included the now abandoned hovercraft as an alternative to the road;

2. The above listed reasons, explaining why a landing craft does not meet the Purpose and Need criteria of the EIS, is new information which must be considered by you before a final decision, as required by Congress, can be made;
3. This has not been a normal decision process. OPLMA directed you to make a public interest determination on the Congressional approved land exchange, which you did not make;
4. By letter dated March 21, 2013, your predecessor mandated that you would make this decision only after a visit by your Assistant Secretary for Indian Affairs (ASIA) and a report which "will address whether and to what extent the road is needed to meet emergency medical needs." The Report from ASIA Washburn does not do so. It merely reports the opinion of the King Cove residents, all of who are in favor of the road. The report from ASIA Washburn, which was to describe the extent to which the road is needed to meet medical emergencies should be produced, made part of the record and considered during reconsideration. This report is critical to meeting the Department's trust responsibilities to the Native people of the area and the requirements of Secretary Salazar's March 21, 2013 letter; and
5. The March 21, 2013 letter from Secretary Salazar states that you would visit King Cove, which you did. However, you did not make public the transcript of your on-the-record public meeting until you published your decision in the ROD. This failed to give the public any opportunity to react to clear testimony, such as from Robert Trumble at p. 18-19, that it is extremely difficult to dock a boat at the Cold Bay dock. There is no analysis of how the landing craft can land at Cold Bay. These missing elements are in direct violation of the responsibilities outlined in Secy. Salazar's March 21 letter shows that the administrative record has not been properly assembled.

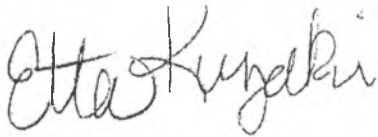
For all of these reasons the undersigned request that you reconsider the decision made in the December 23, 2013 ROD and receive and consider the information provided herein to:

1. Consider information showing the lack of an access alternative to Cold Bay other than the road that meets the safe, reliable, and affordable criteria of the Purpose and Need Statement in the EIS;
2. Make a proper "public interest" determination as required by the Act;
3. Honor the commitment made by your predecessor in his letter of March 21, 2013 to have ASIA Washburn prepare a report, which "will address whether and to what extent the road is needed to meet emergency medical needs:"
4. Meet the Federal Government's trust responsibility to the Aleut residents of King Cove and Cold Bay; and,

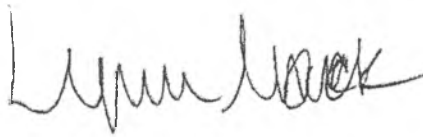
5. Include any relevant new information, which has been developed since the closing of the EIS comment period. This would include a more recently concluded Health Impact Assessment conducted by the State of Alaska.

You most certainly will conclude that there is no alternative to the road that meets the safe, reliable and affordable Purpose and Need criteria of the EIS if you do.

Sincerely,



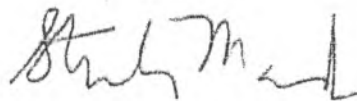
Etta Kuzakin, President
Agdaagux Tribe of King Cove



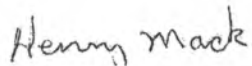
Lynn Mack, President
Belkofski Tribal Council



Dean Gould, President
King Cove Corporation
& Agdaagux Tribe Member



Stanley Mack, Mayor
Aleutians East Borough
& Qagan Tayagunin Tribe Member



Henry Mack, Mayor
City of King Cove
& Agdaagux Tribe Member

CC: Senator Lisa Murkowski
Senator Mark Begich
Representative Don Young
Governor Sean Parnell
Assistant Secretary of Indian Affairs, Kevin Washburn
Assistant Secretary of Fish, Wildlife, & Parks, Dan Ashe
Alaska Region Director, USF&W, Geoff Haskett
Izembek EIS Project Manager, Stephanie Brady



PRESS RELEASE:

King Cove Residents Outraged that Interior Secretary Ignores Promises to Remote Alaskan Community

King Cove, AK – Feb. 13, 2014 – King Cove Tribal and Community Leaders expressed indignation today, stating U.S. Interior Secretary Sally Jewell is ignoring the needs of the residents she committed to help. On Dec. 23, 2013, Secretary Jewell rejected the land exchange and small gravel road corridor from the remote community of King Cove to the nearby Cold Bay Airport. Earlier this week, Senator Lisa Murkowski sent a letter to Secretary Jewell, requesting that she uphold the promises she made to protect the health and safety of the residents.

“Since Secretary Jewell denied the land exchange and road corridor, we haven’t heard one word from her,” said Della Trumble, spokeswoman for the Agdaagux Tribal Council and the King Cove (Native) Corporation. “We’re offended that no one from the Interior Department has bothered to speak to us. In her press release, the Secretary pledged that she would continue to work with the State of Alaska and local communities to support viable alternatives to ensure continued transportation and infrastructure improvements for the health and safety of King Cove residents. It is even clearer to me that the Dept. of Interior does not take their role in regard to the government mandated trust responsibility to the American Indians and Alaskan natives seriously, as the issue of safe transportation for the people of King Cove continues to be ignored.”

In her letter to Jewell, Senator Murkowski asked the Secretary to provide specific examples of actions taken to fulfill commitments she made since issuing the press release.

“We feel as if she’s ignoring us and her pledge to protect the health and safety of our residents,” said Trumble. “The Interior Department has turned its back on us for nearly 50 years, and it appears this behavior is continuing.”

“We still know that the road corridor is the best and only safe, affordable and reliable option,” said King Cove Mayor Henry Mack. “However, since the Secretary rejected that option, we are counting on her to uphold her pledge to present other alternatives to us, as she promised Senator Murkowski and us when she rejected the road and land exchange. It’s simply unacceptable that there has been no communication from the Interior Department. Don’t our lives matter?”

Since 1981, more than a dozen people have lost their lives, either in plane crashes or because

they couldn't get medical treatment in a timely manner. King Cove is often plagued by gale-force winds and thick fog, creating stormy, dangerous travel conditions, especially during medevac situations. The Aleutian community's gravel airstrip is suitable only for small planes, weather-permitting. The only other option is by boat, and only when the weather allows them to go.

"We have no intentions of giving up on a safe, reliable and affordable transportation option to help us access the outside world," said Aleutians East Borough Mayor Stanley Mack. "We are encouraged that Senator Lisa Murkowski, who has championed this issue, continues to fight for us."

Today, during a meeting with the U.S. Senate Committee on Energy and Natural Resources, Senator Murkowski reiterated her objections to the nomination of Rhea Suh for the Assistant Secretary for Fish, Wildlife and Parks. Murkowski said she doesn't believe Suh has answered questions adequately, including how the Interior Department is fulfilling its commitments to the residents of King Cove.

"There's no excuse for Suh's failure to provide substantive responses to senators' questions 57 times," Senator Murkowski said. "I am resubmitting my questions to nominee Suh, some for the third time, to get the answers the people of Alaska deserve."

"We have no intentions of dropping our critical transportation access issue, even if the Secretary is brushing us off," King Cove Mayor Henry Mack said. "This issue is too important. The lives of our people, our elders and our children are at stake."

For more information, visit <http://www.aleutianseast.org/>.

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LISA MURKOWSKI
ALASKA

COMMITTEES:
ENERGY AND NATURAL RESOURCES
RANKING MEMBER
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HEALTH, EDUCATION, LABOR,
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INDIAN AFFAIRS

United States Senate

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February 4, 2014

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JUNEAU, AK 99801
(907) 586-7277

805 FRONTAGE ROAD, SUITE 105
KENAI, AK 99811-9104
(907) 283-5808

1900 FIRST AVENUE, SUITE 225
KETCHIKAN, AK 99901-6059
(907) 225-6880

851 EAST WESTPOINT DRIVE, SUITE 307
WASILLA, AK 99654-7142
(907) 376-7665

The President
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500-0004

Dear Mr. President:

I write today to implore you to personally reconsider a recent decision by Interior Secretary Sally Jewell rejecting a life-saving road in the remote Aleutian Islands of Southwest Alaska. The core issue in this dispute is one of simple justice: are potential or minor risks to birds more important than the lives of the residents of the native village of King Cove? The lack of reliable air service to the village has already resulted in 18 recorded deaths, including the deaths of medevac personnel during failed rescue operations. Secretary Jewell's decision is callous and completely disregards the health, safety, and well-being of some of Alaska's indigenous people, the Aleuts of King Cove.

For background, Subtitle E of Public Law 111-11 authorizes a land exchange for the purpose of constructing a limited-use road from King Cove, where mountainous terrain prohibits the construction of a suitable airport, to the all-weather airport at Cold Bay. Without road access, or reliable air travel, village residents are often forced to make do without adequate healthcare. The 2009 law provided the Secretary of the Interior with the singular opportunity to have the final say on this decision, and unfortunately, Secretary Jewell – on the day before Christmas Eve – decided that the well-being of birds mattered more than the lives of the residents of King Cove.

From our time together in the U.S. Senate, I remember your compassion and interest in positively impacting the lives of Native Americans throughout our great nation. Your desire to improve access to healthcare for all Americans is well known. This is a perfect opportunity for this administration to achieve both goals with a single decision. Both Secretary Jewell and Assistant Secretary of Indian Affairs Kevin Washburn have ignored the directive outlined in former Interior Secretary Ken Salazar's memorandum of March 21, 2013, bearing the title *Izembek National Wildlife Refuge/Land Exchange Road Corridor* (Secretary's Memorandum), which instructed this decision to be made "pursuant to the unique trust relationship" that the Federal Government has with the Aleut, as it has with all Native peoples of this country. The Aleut people have lived on the Aleutian Islands for thousands of years, yet their health and wellbeing continues to be placed at risk because of a relatively new land classification that the federal government imposed upon them.

Mr. President, I ask that you review Secretary Jewell's decision and direct her to overturn it. The Aleut people of King Cove deserve access to the same medical care that the rest of the country is afforded. I know you feel strongly about access to adequate healthcare, and this is truly an opportunity to right an injustice and allow these Alaskans to live without the fear that inclement

weather could cut them off from emergency medical services and turn a treatable condition into a life-threatening emergency. While it is true that many rural Alaska residents have limited access to healthcare, we have the opportunity to change that in *this* instance, where just 10 miles of a single-lane, non-commercial road would ensure that access. I truly hope that your Administration will reverse this decision against the residents of King Cove. I expect you will agree with me that, in this case, the choice is an easy one – choose the *people* of King Cove.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa Murkowski".

Lisa Murkowski
United States Senator



U.S. Fish & Wildlife Service

Izembek

National Wildlife Refuge

Land Exchange/Road Corridor

Final Environmental Impact Statement

Executive Summary

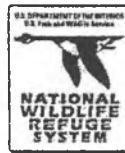
NOTE:

This Izembek National Wildlife Refuge Land Exchange/Road Corridor Final Environmental Impact Statement (EIS) Executive Summary totals 50 pages. In the interest of saving paper, this packet includes only the cover, table of contents, and page 1 of the Executive Summary. A full copy of the Executive Summary and complete EIS can be found online, at:
<http://www.fws.gov/nwrs/threecolumn.aspx?id=2147524796>



U.S. Fish and Wildlife Service Mission Statement

The Mission of the U.S. Fish & Wildlife Service is working with others to conserve, protect and enhance fish, wildlife, plants and their habitats for the continuing benefit of the American people.



Refuge System Mission Statement

The Mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.

—National Wildlife Refuge System Improvement Act of 1997

On the Cover: Izembek National Wildlife Refuge, 2007

Photo from the NCTC Image Library

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LIST OF ACRONYMS

2003 EIS	King Cove Access Project Environmental Impact Statement (USACE 2003)
Act	Omnibus Public Land Management Act of 2009; Public Law 111-11, Title VI, Subtitle E
ANCSA	Alaska Native Claims Settlement Act
ANILCA	Alaska National Interest Lands Conservation Act
CFR	Code of Federal Regulations
Coast Guard	U.S. Coast Guard
Corps	U.S. Army Corps of Engineers
EIS	Environmental Impact Statement
NEPA	National Environmental Policy Act
Selected Lands	King Cove Corporation lands selected under rights under the <i>Alaska Native Claims Settlement Act</i> (ANCSA)
Service	U.S. Fish and Wildlife Service
U.S.	United States of America
U.S.C.	United States Code

LIST OF REFERENCES

- AEB (Aleutians East Borough). 2012. Letter to U.S. Fish and Wildlife Service (with enclosures). March 29, 2012.
- FAA (Federal Aviation Administration). 2010. U.S. Terminal Procedures Publication. Alaska Volume 1 of 1. Effective 23 September 2010 to 18 November 2010.
- USACE (U.S. Army Corps of Engineers). 2003. King Cove Access Project Environmental Impact Statement. Alaska District, Anchorage, Alaska. Draft July 2003. Final December 2003. Record of Decision January 22, 2004.
- Walker, A. M. 2010. Personal communication regarding operations of the King Cove Airport. Aviation Safety and Security Officer. Central Region, Alaska Department of Transportation and Public Facilities. November 1, 2010. Joan Kluwe. URS.

ES-1 EXECUTIVE SUMMARY

ES-1.1 Introduction

In the *Omnibus Public Land Management Act of 2009* (Public Law 111-11, Title VI, Subtitle E) (Act), Congress authorized the Secretary of the Interior to exchange lands within the Izembek National Wildlife Refuge for lands owned by the State of Alaska and the King Cove Corporation for the purpose of constructing a single lane gravel road between the communities of King Cove and Cold Bay, Alaska, if it is in the public interest. In the Act, Congress directed the Secretary of the Interior to prepare an Environmental Impact Statement (EIS) in accordance with the terms of the Act and the *National Environmental Policy Act of 1969* (NEPA), as amended (42 U.S.C. 4321 et seq.), and its implementing regulations (40 CFR Parts 1500-1508). Congress specified that the EIS must analyze the land exchange, potential road construction and operation, and a specific road corridor through the Izembek National Wildlife Refuge and the Izembek Wilderness that is to be identified in consultation with the State of Alaska, the City of King Cove, and the Agdaagux Tribe of King Cove (Section 6402(b)(2)). To proceed with a land exchange, the Act requires the Secretary of the Interior to make a public interest determination finding that the proposed land exchange (including the construction of a road) is in the public interest.

If determined to be in the public interest, the land exchange would enable construction and operation of a single lane gravel road between the communities of King Cove and Cold Bay, Alaska, that would provide City of King Cove residents road access to the Cold Bay Airport. Congress responded to continuing concerns about reliable access for health and safety purposes on the part of the King Cove Corporation, the City of King Cove, the Aleutians East Borough, and the Agdaagux Tribe of King Cove.

The U.S. Fish and Wildlife Service (Service) is the lead federal agency for the EIS. Cooperating agencies are:

Federal	U.S. Army Corps of Engineers, Alaska District (Corps) Federal Highway Administration/Western Federal Lands
Tribal	Agdaagux Tribe of King Cove Native Village of Belkofski
State	State of Alaska
Borough	Aleutians East Borough
Local/Other	City of King Cove King Cove Corporation

ES-1.2 Proposed Action

The proposed action is the exchange of land between the federal government, the State of Alaska, and the King Cove Corporation for the purpose of constructing and operating a single lane gravel road between the communities of King Cove and Cold Bay, Alaska. As provided in the Act, the road "shall be used primarily for health and safety purposes, (including access to and from the Cold Bay Airport) and only for noncommercial purposes." The use of taxis, commercial

Trevor Fulton

From: Mike Coons <mcoons@mtaonline.net>
Sent: Sunday, March 09, 2014 11:19 AM
To: Rep. Chris Tuck; Rep. Craig Johnson; Rep. Dan Saddler; Rep. Eric Feige; Rep. Geran Tarr; Rep. Kurt Olson; Rep. Mike Hawker; Rep. Paul Seaton; Rep. Peggy Wilson
Subject: HJR 30

My name is Mike Coons from Palmer and I am speaking for myself and as a Director for Citizen Initiatives.

On 4 March this year I gave a presentation on the Izembek land fiasco which can be listened to at patiotside.org (https://www.youtube.com/watch?v=J2v1SeH8r3Y&list=UU2tIHg_vFg4r02Atadt4hdg).

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I as an Alaskan am frustrated by a Federal Government whom is more concerned with the politics, and animals vs that of Alaskans and Americans! I am also frustrated by the fact that for so many times, resolutions from this body to the Congress are filed, maybe read by a very few and forgotten. During this last almost two years that I have been able to really watch and participate in this legislature, I have yet to see a single resolution have any impact on Congress to the advantage of our State.

Citizen Initiatives has a Constitutional Amendment which we support (refer to <https://countermands.us/countermand-amendment.html>), which we wish to put forward in a call for a Convention of States through Article V of the US Constitution. Sadly, I have not been able to get that forwarded through this session. However, I do plan to work hard to get it introduced and passed in 2015. That said, this Amendment is called the Countermand Amendment and would, upon passage give the ability for 60% of the States to countermand actions like Secretary Jewell. This one amendment would put our State and a majority of freedom loving States in the drivers seat and make these resolutions no longer needed! This amendment will return to the States the Sovereignty and power over an over-reaching and blind Federal Government.

For now, I must support resolutions like this one, because it is all we have for now. I ask that all listening go to our web site, read the proposed amendment and get with me to support or ask questions as to this direction, amendment and future Article V call.

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Regional Director, Alaska and Pacific Northwest Citizen Initiatives
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REPRESENTATIVE
BOB HERRON

D - SOUTH BERING SEA (HD37)

HOUSEMAJORITY.ORG/HERRON



PRESS RELEASE

CAPITOL ROOM 411

JUNEAU: 465-4942
BETHEL: 543-5898

**U.S. DEPARTMENT OF INTERIOR SECRETARY JEWELL
"HAS BROKEN THE HEARTS OF KING COVE RESIDENTS AND
VIOLATED HER TRUST RESPONSIBILITIES TO ALASKA NATIVES"**

Friday, February 14, 2014, Juneau, Alaska – Representative Bob Herron, D-South Bering Sea, agrees with local officials and Alaska's senior U.S. senator, Lisa Murkowski, that Secretary Jewell has *broken the hearts* of King Cove residents in *not* finding alternatives for access and emergency health and safety options following her capricious decision to deny approval of a state-federal land swap to develop the decades-planned road across the Izembek peninsula to connect Cold Bay and King Cove.

"The Interior Secretary Jewell and the U.S. Fish and Wildlife Service have created a 'dead-end', with her negative decision concerning the Izembek Road, for the Alaska Natives in King Cove," Herron said.

"Finding alternatives that she speaks of can only be and will be extremely elusive for this federal agency. History has shown that, indeed, many alternatives have been vetted, tried and all discarded. I have concluded that Secretary Jewell has violated her Trust Responsibilities to Alaska Natives."

"This 'trust' is not a limitation on Alaska Natives' freedoms and rights; it is a LIMIT on the federal government power over Alaska Natives, and, specifically, the U.S. Department of Interior's limit over Alaska Natives. The most recent Izembek decision, without question, has utterly ignored these responsibilities."

Herron said Congress, by law, and through federal court case law, have reinforced the principle that "trust responsibilities" apply to *all* federal officials and to every federal decision and activity.

"Interior and the USFWS are *not* exempt from these responsibilities," Herron said. "Congress, by law, did establish a highest priority for the Izembek Road that required DOI to fulfill. Our courts have consistently warned federal officials that they are bound by every moral and equitable consideration to discharge this trust with good faith and fairness. Where is it for King Cove, then?"

Herron said the courts liberally construe rulings in Alaska Natives' favor and that all executive branch decisions are subject to a "presumption of reviewability."

Did the DOI spokesman really say "that it was NOT the mission of the Izembek EIS to consider the human/safety factor of the proposed land exchange and road"? Herron asked. "If so, then, again, the 'trust responsibilities' to Alaska Natives was violated by Secretary Jewell. We deserve better than this."

A copy of King Cove's February 13th press release to Secretary Jewell is attached.

#

For more information, contact Rep. Herron's office at 907-465-4942.

QUESTION?

As I read the section below that is on page 15 of the guide,

“it appears that hardy water fowlers can hunt in the eelgrass to pursue and achieve their daily bag limit of black brant, and then search for ptarmigan on the upland year-round.”

“Isn’t the upland where the safety corridor is planned for?”

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Izembek National Wildlife Refuge

P.O. Box 127, 1 Izembek Street

Cold Bay, AK 99571

(907) 532-2445

<http://www.fws.gov/refuges/profiles/index.cfm?id=74520>

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Izembek NWR is world famous for its brown bear hunting, but it also offers some of the best hunting for much smaller game: waterfowl and ptarmigan. The refuge provides habitat for an incredible variety of duck and goose species. Most of the Pacific’s black brant spends the summer here, and this is probably the best location to hunt these small, dark geese. Unusual duck species like eider, harlequin and Barrow’s goldeneye can be found here in great numbers. More common ducks like mallard and pintail are also common. Hardy water fowlers can find spectacular hunting in the fall, particularly at the 150-square mile Izembek Lagoon. Here, shallow, brackish water covers one of the world’s largest beds of eelgrass, creating a rich feeding and resting area for hundreds of thousands of waterfowl. Many waterfowl hunters will spend the mornings and evenings pursuing waterfowl, and search the refuge for ptarmigan during the day. Good numbers of this upland bird species can be found on the refuge year-round. With its mix of species and spectacular wilderness setting, Izembek offers one of the most unique duck hunting experiences in the world.

U.S. Fish & Wildlife Service

Your Guide to Hunting *on National Wildlife Refuges*



Testimony in Support of the Izembek Land Exchange Resolution
Before the Alaska State House Resources Committee
Senator Lisa Murkowski
March 10, 2014 at 6:30 PM ET

Chairman Feige and Chairman Saddler, thank you for scheduling this hearing on House Joint Resolution 30, the Izembek Land Exchange Resolution. I also want to thank Representative Herron for the invitation to testify today and for his leadership on this issue.

I greatly appreciate the opportunity to speak about one of the most egregious examples of federal overreach in Alaska, and, for that matter, anywhere in the nation. As I made clear when I addressed the Legislature in February, I have made the reversal of this stunning injustice a major priority.

On December 23rd of last year, Interior Secretary Sally Jewell announced her decision to reject a lifesaving, limited-use, one-lane gravel road through a miniscule fraction of the Izembek refuge. We all know that was a terrible decision – not just wrong, but callous and cold-hearted. We know her decision deprived King Cove of its best and safest option for emergency medical access to Cold Bay. We also know that the people of King Cove remain in peril. And we know that because on Valentine’s Day, we saw a frightening medical evacuation by helicopter of a patient who was in very serious condition. If not for the heroics of the Coast Guard, I hesitate to think what might have happened.

But Secretary Jewell said no. She has prioritized the alleged peace and comfort of a few birds over the safety and well-being of the residents of King Cove. And she has decided that it is acceptable to continue risking the lives of Coast Guard pilots and crews who must brave treacherous conditions to conduct medevacs.

I have written to Secretary Jewell on three separate occasions since her decision, but have yet to receive any response. Most notably, on February 11th I asked her to follow through on the promises she made when rejecting the road. Yet neither she, nor her Department or agencies, have transmitted a single idea so far. Not one employee at Interior has done one thing to improve this situation. Given how angry I am, and how aware Secretary Jewell is of that fact, you'd think she would tell me if she was actually planning to do something to help.

The worst news is that help is not on the way, unless we make the case so strong it becomes unavoidable. That's our task now. The people of King Cove have been deserted by their own federal government, and fear they will not be able to reach medical care should they need it. We can see in this decision what the federal government thinks of the people of the West, and how blithely willing it is to impose federal land restrictions that impact our lives. And we can see that this Administration, in particular, believes Alaska must be protected from Alaskans.

The deck is stacked against us in this fight. And that's why I welcome your resolution. It will be genuinely useful to my efforts to right this wrong. It will help bring attention to Secretary Jewell's decision. It will help affirm that Alaskans are united in our opposition to it – and that we are united in our desire to protect the health and safety of those who live in King Cove.

We must continue to send a clear message that we will not accept the status-quo when the lives of Alaskans are at risk. So I thank you again for drafting this resolution. I thank you for considering it here today. And I strongly urge every member of the Legislature to support its passage.

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