

Truncated Izembek Timeline: 1960 to Present

1960 – On December 6, 1960, Izembek National Wildlife Range was established as, “a refuge, breeding ground, and management area for all forms of wildlife,”

1982–1983 - The Bristol Bay Cooperative Management Plan makes clear that a road would be incompatible with the purposes for which Izembek National Wildlife Refuge was established, saying it would cause significant long-term, ongoing and irreparable damage to important fish, wildlife, habitat and wilderness values of the refuge.

1984 – Hooper Bay Agreement, which became the Y-K Delta Goose Management Agreement, was signed by Association of Village Council Presidents to protect brant habitat. This agreement is still in place today, and AVCP has also worked to uphold this agreement with the State of Washington, Oregon, and California.

1994 - The City of King Cove passes a resolution that supports a road but does not mention health and safety as reasons. Instead, it cites “positive socioeconomic impacts.”

1996 - A U.S. Fish & Wildlife Service document, the “King Cove Briefing Report,” finds a road would conflict with the purposes of the refuge and indicates that if a road were built, there would be unacceptable environmental impacts.

1997 - The Alaska Department of Transportation and Public Facilities determined that, “Cold Bay and King Cove statistics indicate no particular elevation in accident statistics overall or related to weather. ... Statistically, it is not clear that King Cove residents are in greater danger than other Alaskans who rely on air transportation.”

1997-98 - Alaska Sen. Frank Murkowski introduces the King Cove Health and Safety Act which would allow construction of a road through designated wilderness between King Cove and Cold Bay.

1998 - The AVCP - representing 56 Native villages in Western Alaska - and the Waterfowl Conservation Committee pass a resolution opposing a bill (H.R. 2259) that would have allowed a road to be developed from King Cove to Cold Bay, citing concerns regarding critical habitat for black brant and other subsistence waterfowl.

Congress rejects S. 1092 and H.R. 2259 and the Izembek road and instead, appropriates \$37.5 million dollars to address King Cove's health and safety concerns: including roads, docks, airstrips and health facility improvements.

2001-2004 - The U.S. Army Corps of Engineers conducts an Environmental Impact Statement analysis and concludes that a road would not qualify as an environmentally preferable option.

2007 - Izembek road bills are introduced in Congress: Senators Lisa Murkowski and Ted Stephens introduce legislation that would authorize a land exchange and road corridor through the heart of the Wilderness at Izembek National Wildlife. Congressman Don Young introduces a companion bill in the House of Representatives. On October 17th AVCP submits a letter with their 1998 resolution to the Alaska Federation of Natives clarifying their position opposing the Izembek road.

Over 70,000 comments are generated for the EIS that oppose the road, including the following from Dr. Peter Mjos, past Eastern Aleutian Medical Director for US Public and Indian Health Service:

"These hurricane-force storms are not infrequent, of course. No vehicle, boat or plane or medevac can even consider travel in such horrific conditions. Combined with darkness, avalanche conditions, and ice-glazed roads, an attempt to travel the proposed road would be foolish beyond any reason, regardless the emergency or business. Any attempt to maintain the road for travel in such conditions would clearly jeopardize life."

On December 23, 2013, the U.S. Department of the Interior rejects the land swap and road proposal once again determining that a road in the Izembek wilderness is not in the public interest and would cause irreparable harm to habitat and the species that the refuge was established to protect.

2015: AVCP's Waterfowl Conservation Committee votes again to reaffirm their 1998 Izembek resolution.

Sept. 8, 2015: The District Court for the District of Alaska [affirms](#) Secretary Jewell's decision to reject the proposed road through Izembek because of the anticipated environmental impacts

Jan. 22, 2018: Secretary of the Interior Zinke signs a land swap [agreement](#) with the King Cove Corporation, transferring 500 acres in the Izembek refuge to facilitate the construction of a road.

March 29, 2019: The District Court for the District of Alaska [rejects](#) DOI's proposed land swap agreement, holding that DOI did not provide proper justification under the APA when it reversed the previous Secretary's 2013 decision that Izembek "would be irretrievably damaged by construction and operation of the proposed road."

June 28, 2019: Secretary Bernhardt signs a second land swap [agreement](#) with the King Cove Corporation, identical to the Jan. 22, 2018 agreement signed by then-Secretary Zinke. The agreement includes an additional "Findings and Conclusions" section to explain the departure from the previous administration's Izembek policy.

June 1, 2020: The District Court for the District of Alaska [rejects](#) DOI's second proposed land exchange with the King Cove Corporation, finding DOI again failed to provide adequate reasoning to support the change in policy in violation of the APA. The court also holds that DOI violated Title XI of ANILCA by failing to follow the law's procedural mandates for the approval of transit systems within conservation areas.

Jan. 15, 2021: Secretary Bernhardt issues a memo allowing the Fish and Wildlife Service to approve a right-of-way permit consistent with the proposed road construction across the Refuge. Bernhardt argues that King Cove is effectively surrounded by conservation units and is therefore an "inholding" under federal law, and that ANILCA "requires me to allow adequate and feasible access to land owned by the State or private persons that are within or effectively surrounded by a conservation system unit."

February 17, 2021: [After the State of Alaska's Department of Transportation and Public Facilities submitted a right-of-way application to US Fish and Wildlife Service, the Fish and Wildlife Service sends](#) a letter to the agency returning its right-of-way permit application for the Izembek Refuge road due to insufficient information and closing the file. The Army Corps submitted a similar letter on February 5. These actions do not preclude the State of Alaska from resubmitting a similar application in the future.

March 16, 2022: [The Ninth Circuit reverses the district court's 2020 decision, holding that BLM's 2019 land swap did not violate the APA or ANILCA.](#) In the 2-1 opinion, Judges Eric Miller and Bridget Bade say that Congress gave the Interior Secretary "discretion to strike an appropriate balance between environmental interests and economic and social needs." Miller and Bade are both Trump appointees. Judge Kim McLane Wardlaw, a Clinton appointee, dissents arguing that Bernhardt failed to adequately justify the "tectonic shift" in policy from Secretary Jewell's 2013 decision finding that the road would cause "significant degradation of irreplaceable ecological resources."

May, 2022 – Native Village of Hooper Bay and Sea Lion Corporation pass independent resolutions opposing the Izembek Refuge land exchange and road.

Nov. 10, 2022: [The Ninth Circuit Court of Appeals vacates the three-judge panel opinion](#) issued on March 16, which upheld the land exchange. The court will rehear the consolidated cases *en banc*.

March 14, 2023: [Secretary Haaland withdraws the Trump-era land exchange](#), noting that the 2019 authorization contained several “procedural flaws” including a lack of public participation and failure to analyze potential effects on subsistence uses and habitat.

On May 11, DOJ asks the Ninth Circuit to dismiss its case reviewing the land exchange, arguing the withdrawal moots the case.

June 15, 2023: The Ninth Circuit grants DOJ’s motion to dismiss, holding that the case is now moot following Interior’s withdrawal of the land exchange and vacating the District Court’s June 1, 2020 decision.