



United States Department of the Interior

FISH AND WILDLIFE SERVICE

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Anchorage, Alaska 99503



IN REPLY REFER TO:

Memo to the File

Date: July 12, 2018

From: Mitch Ellis, Regional Chief, National Wildlife Refuge System - Alaska Region

Subject: Izembek National Wildlife Refuge / King Cove Corporation Land Exchange Agreement - Cadastral Survey and Analysis of Effects to Wilderness Characteristics

The Secretary of the Interior signed an *Agreement for the Exchange of Lands* with the King Cove Corporation (KCC) on January 22, 2018 which directed the exchange of lands within Izembek National Wildlife Refuge and Izembek Wilderness for KCC lands for the purpose of constructing a single lane gravel road. The terms of the agreement state the U.S. exchange lands shall be 500 acres or less; any resulting road on that property shall be used primarily for health, safety, and quality of life purposes; and the road would be used generally for noncommercial purposes. The agreement states commercial transport of fish and seafood products shall be prohibited, except by an individual or a small business.

The land exchange agreement cites the authority found in section 1302(h) of the Alaska National Interest Lands Conservation Act (ANILCA). That section of the law states "*Notwithstanding any other provision of law, in acquiring lands for the purposes of this Act, the Secretary is authorized to exchange lands (including lands within conservation system units and within the National Forest System) or interests therein (including Native selection rights) with the corporations organized by the Native Groups, village Corporations, Regional Corporations, and the Urban Corporations, and other municipalities and corporations or individuals, the State, or any Federal agency.*"

In order to execute the land exchange agreement, the areas to be conveyed must be appraised in accordance with applicable guidelines and regulations. This is essential so that the equal value exchange can occur between the U.S. government and KCC. In this case, it is also required that a legally sufficient survey be completed which clearly identifies the lands to be considered and appraised. Most of the U.S. exchange lands identified are Federally designated wilderness within the Izembek Wilderness. For this project, the survey will be completed by the Bureau of Land Management (BLM).

The land exchange agreement directs the agencies involved to move expeditiously [Section O(12)]. It states the parties agree to use their best efforts to expedite all aspects and tasks of the agreement, including appraisals, permits, determinations, and any other decisions needed to fully implement the agreement. As a result, the Service has been directed to facilitate Alaska BLM in completing the U.S. Survey in an expedited manner.

Under other circumstances, a Minimum Requirements Analysis (MRA) would be used to determine whether a proposed management action within wilderness is necessary and if so, documents the expected effects to

wilderness characteristics. This survey activity is not proposed. It is a necessary component of the land exchange agreement signed by the Secretary. Thus, the decision has already been made to conduct the survey. In addition, the decided-upon action does not meet the MRA requirement of necessity for administering the area as Wilderness and to accomplish refuge purposes. The apparent presumption is that since ANILCA 1302 (h) authorizes the Secretary to exchange lands for this purpose, then this specific use of that ANILCA authority makes the action necessary.

On July 2, 2018, BLM and FWS staff met to discuss alternatives for completing the survey. The various alternatives ranged in intensity of human foot traffic, duration, and amount of helicopter landings. Regardless of how the survey is completed, 122 survey monuments will be installed in the wilderness area. We have chosen an alternative which minimizes the duration of the survey in order to minimize disturbance to wildlife and decrease the chance of human-bear interactions. Although the alternative involves multiple helicopter landings within wilderness, it will allow us to accomplish the directed survey in a way that is ultimately less impactful because of the short duration – two days. In contrast, an alternative using only foot traffic would require approximately ten days of walking back and forth across the wilderness, require hiking personnel to haze any bears near survey points, and extend the time it takes to accomplish the work. Adding the additional time to complete the survey is also inconsistent with direction from the Secretary to expedite our processes.

Description of Survey

The survey crew will consist of two, two-person teams. Survey crews will be setting a total of 122 monuments within the Izembek Wilderness. Two kinds of survey monuments will be installed. The primary survey monuments used will be 9/16 inch stainless steel rods, 30 inches long, with a 3 1/4 inch diameter brass cap attached. These monuments will be driven into the ground. The second kind of survey monument will be installed at the start and end points of this road corridor and at intersections with a line defined by the public land survey system (PLSS). These survey monuments are on 2 1/2 inch diameter stainless steel posts, 28 inches long, with 3 1/4 inch brass cap attached. These require the use of post-hole diggers to set the monuments. In both instances an attempt will be made to set the monuments flush with the ground.

Starting from the King Cove side of the survey area, the first crew flying out will set up the base station and then be dropped off at their first set of corners to be monumented, ideally they will set the two monuments adjacent to each other. The helicopter will return to Cold Bay airport and pick up the second crew and drop them off at the next set of corners. After the second crew is dropped off a check will be made to either move the first crew to their next set of corners or shut down and wait until needed to move the first crew to the next set of corners in a leapfrog fashion. The helicopter will attempt to land inside the road corridor when dropping crews off or shutting down. The pilot will be in constant contact with the field crews via handheld radios or satellite phones. This flight pattern would require seven helicopter hops per mile every hour with approximately 80 helicopter landings. It is anticipated that this alternative would require two days to complete the field work.