

Compatibility Determination

Use: Korovin Road Rehabilitation, BIA Routes: 0012 & 0013; Atka Island, Alaska

Refuge Name: Alaska Maritime National Wildlife Refuge, Homer, Alaska.

Establishing and Acquisition Authority:

Alaska Maritime National Wildlife Refuge: Alaska National Interest Lands Conservation Act. In December 1980, Congress enacted the Alaska National Interest Lands Conservation Act (ANILCA; 94 Stat. 2371). This act established the Alaska Maritime National Wildlife Refuge by merging 11 previously existing refuges and adding additional acreage. The Alaska Maritime National Wildlife Refuge includes Atka Island. Atka Island was part of the Aleutian Islands Reservation established by Executive Order No. 1733, signed by President Taft on March 3, 1913.

The Alaska Native Claims Settlement Act (ANCSA) was enacted in 1971 to settle aboriginal land claims of Alaska's Natives by providing land and money in exchange for extinguishment of their land claims. Section 22(g) of the Act made National Wildlife Refuge (Atka Island) lands available for selection by Native Village Corporations, but contained a provision that "...such lands remain subject to the laws and regulations governing use and development of such Refuge." These lands were deeded to the Atxam Native Corporation with specific restrictions, called covenants, on their sale and use.

Final Compatibility Regulations pursuant to the National Wildlife Refuge System Improvement Act of 1997 went into effect on October 18, 2000. The Code of Federal Regulations, 50 CFR 25.21(b)(1), states that compatibility determinations will be completed for uses of ANSCA 22(g) lands. Compatibility determinations, for proposed uses of 22(g) lands, will include only evaluations of how the proposed use would affect the ability of the refuge to meet its mandated purposes [50 CFR 25.21(b)(1)(iii)]. Compatibility determinations for proposed uses of 22(g) lands will only evaluate the effects of the use on the adjacent refuge land, and the ability of that refuge to achieve its purposes, not on the effects of the proposed use to the 22(g) lands [50 CFR 25.21(b)(1)(v)]. Therefore, only the upland aspects of this project, which are located on lands within the ANCSA boundaries of Atka Island, Aleutian Islands Reserve, now known as Alaska Maritime National Wildlife Refuge, are subject to the compatibility requirements.

Refuge Purposes:

As designated by Executive Order No. 1733:

“...to set apart as a preserve and breeding ground for native birds, for the propagation of reindeer and fur bearing animals, and for the encouragement and development of the fisheries.”

As designated by ANILCA, Section 303(1)(B):

- (i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to marine mammals, marine birds and other migratory birds, the marine resources upon which they rely, bears, caribou and other mammals;
- (ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;
- (iii) to provide, in a manner consistent with the purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents;
- (iv) to provide, in a manner consistent with subparagraphs (i) and (ii), a program of national and international scientific research on marine resources; and
- (v) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in subparagraph (i), water quality and necessary water quantity within the refuge.

National Wildlife Refuge System Mission:

The National Wildlife Refuge System Mission will not be considered in a compatibility determination evaluation with regard to lands under Section 22(g) of ANSCA, per 50 CFR 2521(b)(1)(iii).

Description of Use:

(a) What is the use?

The proposed project is a road rehabilitation project 1.85 miles in length, 12 feet in width, starting at Dock Road and ending at Korovin Bay (see map- Figure NO: 2; WHPacific, dated Jan. 2013).

(b) Where would the use be conducted?

The project is located about 2 mile to the north of the City of Atka primarily in Township 92 South, Range 176 West, Section 4 (see project description for specific latitude and longitudes).

(c) When would the use be conducted?

Project construction is scheduled to begin in June of 2014 and end in September of 2015.

(d) How would the use be conducted?

The characteristics of the project are defined in the report *95% plan review, Atka IRA Council, Korovin Road Rehabilitation, BIA Routes: 0012 & 0013, January 2013.*

The project will rehabilitate 1.85 miles of Korovin Road, starting at Korovin Bay and finishing at the intersection of Dock Road. The majority of the project will occur in the existing road right-of-way, however a section of Korovin Road will follow an alternative alignment to avoid a cultural site. The proposed roadway will have a 12 foot wide travel way, consisting of one travel lane with no shoulders. Six twelve-foot wide pull-outs will be installed to allow passing for on-coming traffic. Riprap will be installed along the Korovin Lake segment to differentiate the road from the lake shore. Approximately 27 new culverts (313 linear feet of 24 inch pipe and 161 linear feet of 36 inch pipe), and one new bridge (length= 72 feet, span= 24 feet) over Korovin Creek will be installed. Six of the 27 new culverts are designed as fish passage culverts. Most of the fish passage culverts are located in drainages which flow into Korovin Lake. Approximately 96 linear feet of old culvert will be removed. Total excavation for the project is 12, 194 cubic yards of which approximately 6,650 cubic yards of unusable cut material will be disposed of at the disposal site located to the east of the Atka airport runway. Approximately 5,725 cubic yards of borrow material will be obtained from the USFWS quarry site located south of Atka (see map- sheet number A-4).

Heavy equipment will be mobilized to the site, and will include excavator, dozer, compacter, and dump trucks. Culverts will be installed in accordance with ADF&G in-water work windows. The construction contractor will develop a project SWPPP, which will include designated staging areas, and control areas for on-site material storage and spill prevention.

(e) Why is the use proposed?

The purpose of the road rehabilitation is to provide all weather access between the village of Atka and Korovin Bay. The road was originally built by the military during World War II. It follows the natural terrain, but is narrow and abuts Korovin Lake. The community would like to transport fishing vessels between the southeast side of the island (village location) and the northwest side of the island. All weather access is currently precluded in the winter due to blowing snow, which makes it difficult to differentiate between the road and the lake.

Availability of resources:

The construction and operation of an improved road in Atka on Atxam Village Corporation 22(g) lands will not result in an increase of costs for the refuge staff to administer or manage.

Anticipated impacts of the use:

All activity during construction and operation of the road will occur on Atxam Native Corporation 22(g) lands, not on refuge surface estate lands. The project will require the use of refuge subsurface sand and gravel, but these activities are not being evaluated under this compatibility determination. Special User Permit 74500-13-004 will authorize this use. The disposal of unusable cut material will be deposited at a site located east of airport runway (see sheet A-4), where previous airport and road projects have borrowed and deposited material. This use will also be authorized by Special Use Permit 74500-13-004.

Impacts from construction on adjacent refuge lands and trust fish and wildlife resources have been determined to be none to negligible. The closest refuge surface estate lands are located approximately 2 miles from the project site.

One known salmon stream, Korovin Creek, would have a new bridge constructed over it, but best management practices are being taken to not alter the stream flows. The spawning habitat does not enter the Refuge. Other potential salmon streams with potential spawning habitat along the road do not enter the Refuge.

Impacts from operation of the road may include increased vehicle and boat access to Korovin Bay, but impacts to adjacent Refuge lands have been determined to be none to negligible.

One known archaeological site is in the vicinity of the project. The USFWS Region 7 Archaeologist was consulted, and per phone conversation and e-mail correspondence, impacts to this site are not anticipated.

Public review and comment:

The period of public review and comment began March 19, 2013 and ended April 5, 2013.

A Public Notice, dated March 18, 2013, was sent to the Postmasters in Dutch Harbor, Unalaska, Adak, and Atka for posting in Post Offices, to the city of Adak, and Atka, and to the Atka IRA Council, and posted in the refuge office in Homer. The notice (attached) asked for public comment over a 17 day period.

No comments were received.

Determination:

Use is Not Compatible

Use is Compatible With Following Stipulations

Any use of Federal subsurface sand and gravel is not part of this compatibility determination. Use of sand and gravel would require a Special Use Permit and a separate analysis.

Justification:

In 1971, Congress enacted ANCSA to settle aboriginal land claims of Alaska's Natives by providing land and money in exchange for extinguishment of their land claims. Section 22(g) of the Act made National Wildlife Refuge lands available for selection by Native Village Corporations, but it also contained a provision that "...such lands remain subject to the laws and regulations governing use and development of such Refuge." This means that the refuge laws and regulations requiring that we determine the compatibility of proposed refuge uses applies to the village lands in national wildlife refuges in Alaska withdrawn under Section 22(g) of ANCSA. These lands were deeded to Alaska Native Village Corporations with specific restrictions, called covenants, on their sale and use. **On 22(g) lands refuge managers focus their compatibility determination on how the impacts of the proposed use would affect adjacent refuge lands and the degree that the proposed use would materially interfere with the refuge's ability to achieve its legally mandated purposes.** This is the fundamental protection provided to the parent refuges from the effects of uses of 22(g) lands that Congress provided in Section 22(g) of ANCSA.

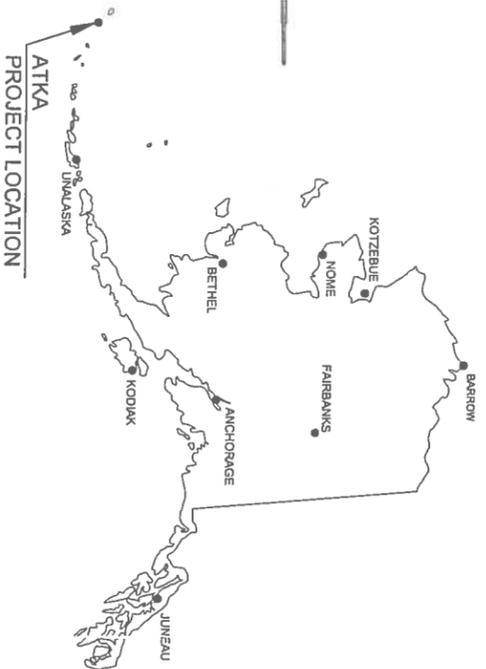
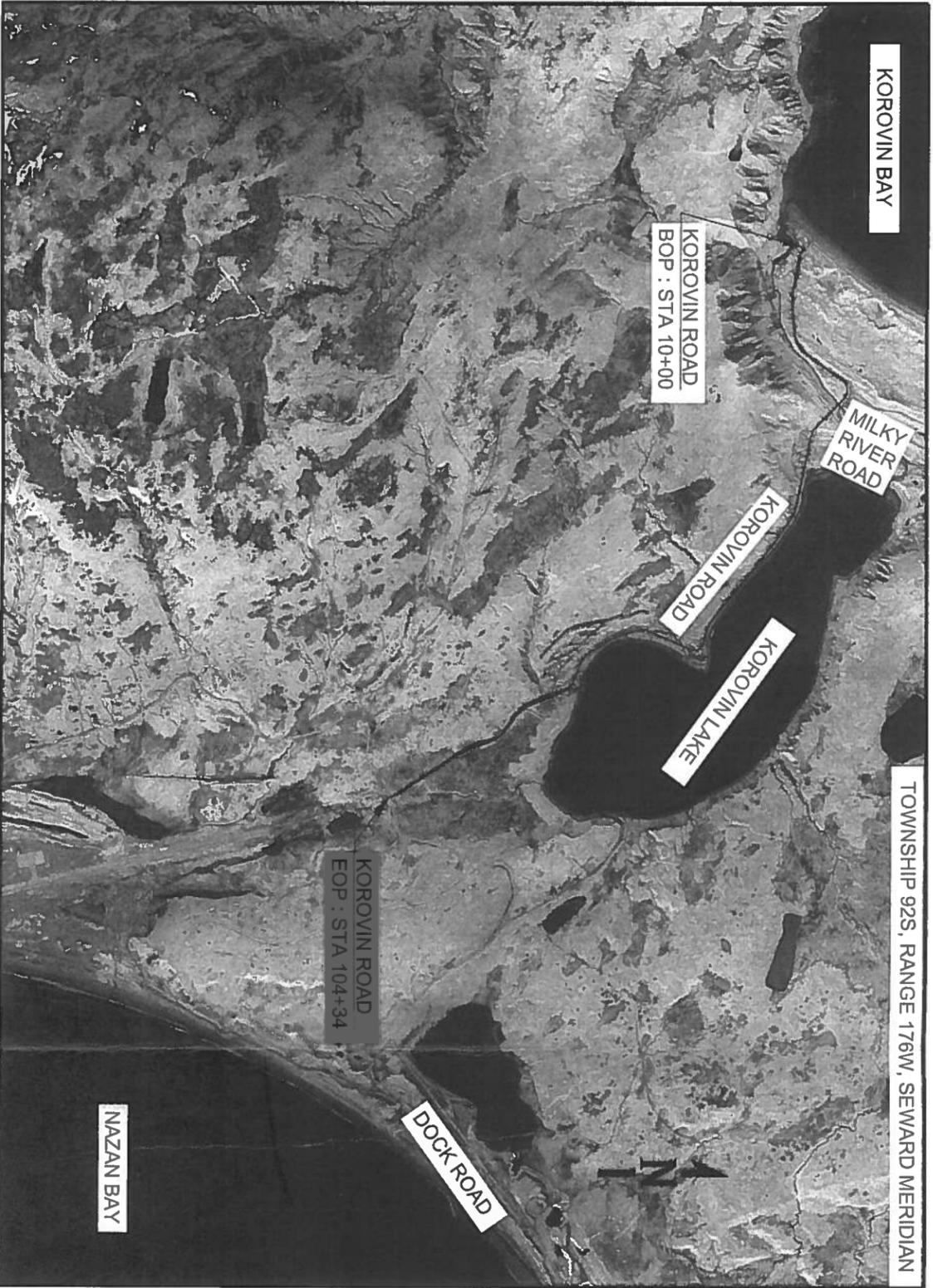
The upland impacts of this project are confined to Atxam Native Corporation ANCSA 22(g) lands. The use area is located approximately 2 miles from refuge surface estate lands. This use will not materially interfere with or materially detract from fulfilling the purposes of the refuge.

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ATKA IRA COUNCIL

KOROVIN ROAD REHABILITATION

BIA ROUTES: 0012 & 0013



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THE FOLLOWING ADOT&PF STANDARD DRAWINGS APPLY TO THIS PROJECT:
 D-01.02, D-04.21, D-09.00, G-00.02, G-04.06S, G-04.07W, G-10.01, G-13.00, G-20.11, G-25.21W, S-00.11, S-05.01, S-20.10, S-30.03, T-05.10

PROJECT SUMMARY		
SEGMENT	WIDTH	LENGTH
KOROVIN ROAD	12'	9,428

DESIGN DESIGNATION	
A.D.T. 2012	50
A.D.T. 2022	61
A.D.T. 2032	74
DESIGN SPEED (mph)	20

95% PLAN REVIEW JANUARY 2013
 PLANS DEVELOPED BY WHPacific INC.
 WHPacific INC, PROJECT # 543205
 DESIGNED UNDER BIA CONTRACT # CTE 01T02703



REVIEWED HEALTH AND SAFETY:

LOUIS J. BASSLER, PE

DATE

APPROVED:

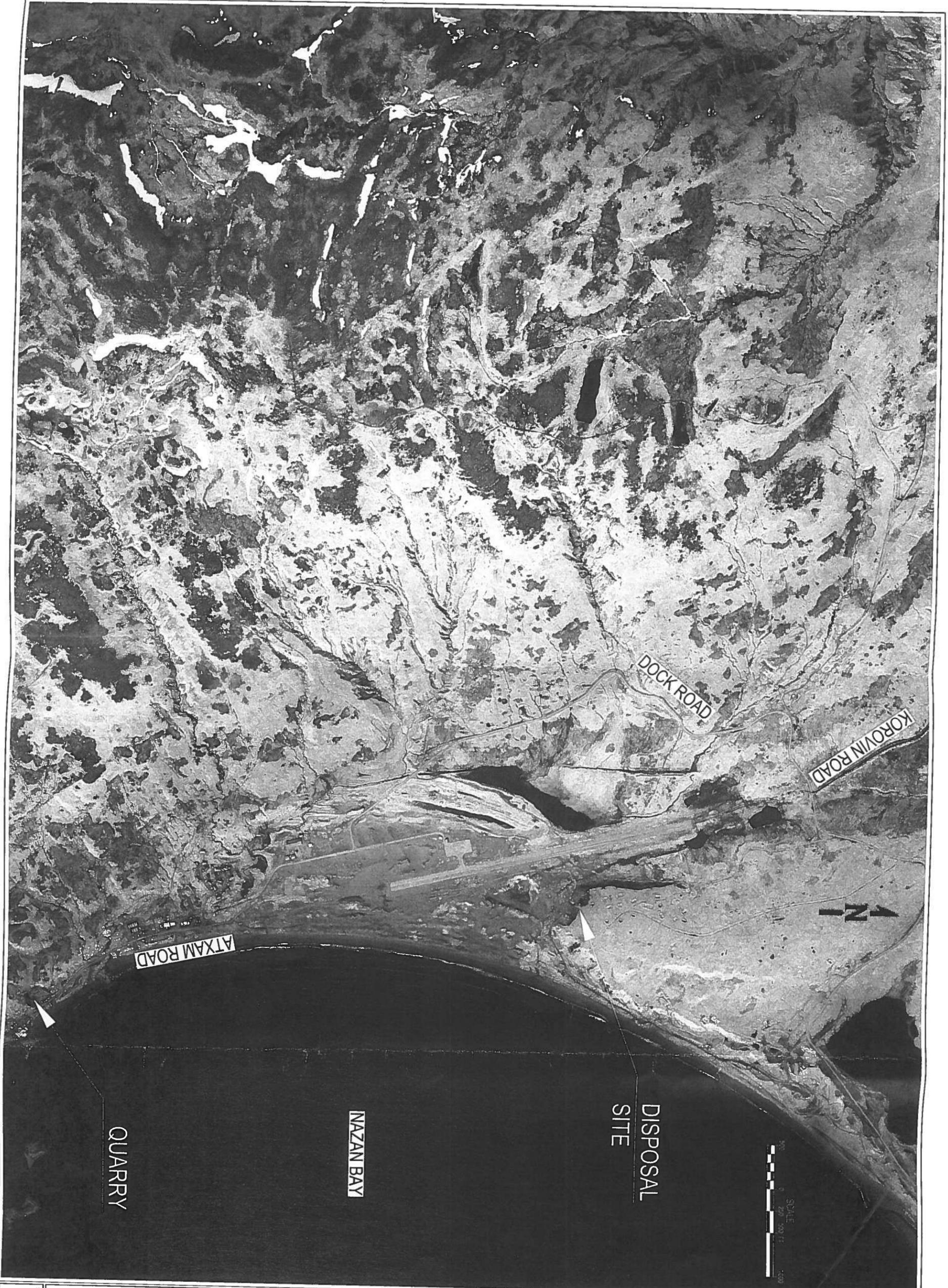
PRESIDENT
 ATKA IRA COUNCIL

DATE

VICINITY MAP
 NTS

SHEET NUMBER

A1



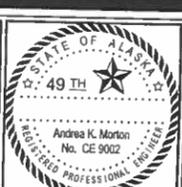
MATERIAL AND DISPOSAL SITES

ATKA IRA COUNCIL
 KOROVIN ROAD

PROJECT NUMBER: 543205
 DRAWING FILE NAME: 543205-A3-SHEET_KEY

SHEET NUMBER: A4

SHEET INFO		REVISIONS			
DESIGNED	AM	NO.	BY	DATE	REMARKS
DRAWN	JRH				
CHECKED	AM				
APPROVED	AM				
LAST EDIT	1/14/2013				
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SUBMITTAL					



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