



Izembek

National Wildlife Refuge

Land Exchange/Road Corridor

Final Environmental Impact Statement

Appendix B Parcels Proposed for Exchange and Boundary Adjustment





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

APPENDIX B

Parcels Proposed for Exchange and Boundary Adjustment

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Parcels Proposed for Exchange

The Service is considering a proposal to exchange certain lands within the Izembek National Wildlife Refuge for lands owned by the State of Alaska and the King Cove Corporation. The purpose of the exchange, as identified in the *Omnibus Public Land Management Act of 2009* (Public Law 111-11, Title VI, Subtitle E) (the Act), is to enable construction and operation of a road between the communities of King Cove and Cold Bay, Alaska, that would provide King Cove residents with road access to the Cold Bay Airport for health and safety purposes.

Congress identified the federal and non-federal lands involved in the exchange and provided guidance regarding the administration of the exchanged lands (Sections 6401 and 6404 of the Act). A more precise estimate of the parcel acreages proposed for exchange is contained in the following pages of this appendix.

- Approximately 206 acres of federal land (surface and subsurface estate) of the Izembek National Wildlife Refuge would be conveyed to the State of Alaska under the land exchange. The boundary of the Izembek Wilderness would be modified to exclude the land exchanged for the road corridor. (The specific lands to be exchanged for the road corridor were not identified in the Act; two road corridor alternatives are evaluated in this EIS.)
- Approximately 1,600 acres (surface and subsurface estate) in the Alaska Maritime National Wildlife Refuge on Sitkinak Island, which is withdrawn for use by the U.S. Coast Guard, would be transferred to the State of Alaska.
- Approximately 43,093 acres of land (surface and subsurface estate) owned by the State of Alaska adjacent to the North Creek and Pavlof Units of the Alaska Peninsula National Wildlife Refuge, would be conveyed to the United States (U.S.) and added to the Izembek Wilderness or the Alaska Peninsula National Wildlife Refuge as wilderness.
- Approximately 13,300 acres of land owned by King Cove Corporation (surface estate), located near Mortensens Lagoon and the mouth of Kinzarof Lagoon, would be conveyed to the U.S. and added to the Izembek National Wildlife Refuge. The exchange includes 5,430 acres in Izembek Wilderness on the east side of Cold Bay for which the King Cove Corporation would relinquish its selection under the Alaska Native Claims Settlement Act.

The Act directed that the exchange could not be finalized before the parcel of State land located in Kinzarof Lagoon had been designated as part of the State of Alaska's Izembek State Game Refuge. The Alaska Legislature passed and the Governor signed the *Izembek State Game Refuge Land Exchange Bill* into law (HB 210 Chapter 119 SLA 10) satisfying this requirement (see Section 1.6.3.1 of this EIS).

Although the Act, which authorizes consideration of the land exchange, includes a description of lands to be exchanged and references maps depicting these lands, neither the maps nor the descriptions of land to be exchanged are specific enough to conduct the EIS for the land exchange. Upon consultation with the State of Alaska and the King Cove Corporation, the following descriptions of land were agreed upon for the purposes of evaluation of the effects of alternatives in this EIS. In the event an alternative that requires a land exchange is selected, a land exchange agreement between the parties contributing land to the exchange would need to be

negotiated and certain details, including the specific configuration of the road corridor to be conveyed to the State of Alaska, would be included in the exchange agreement.

U.S. Fish and Wildlife Service

Road Corridor

The United States would convey to the State of Alaska, by patent, fee title to a defined road corridor within Township 56 South, Range 87 and 88 West, and Township 57 South, Range 89 West, Seward Meridian, for the proposed King Cove to Cold Bay road. The configuration of the road corridor to be conveyed would be determined based upon:

- the terms and conditions of the land exchange agreement previously negotiated and accepted by the parties;
- the acceptance by the Service of the final road location and design as shown on final construction drawings; and
- a legal description derived from a BLM approved cadastral survey.

Pursuant to Sections 6402(b)(2) and 6403(a)(3)(C) of the Act, mitigation measures, specific road design features and other requirements identified in the EIS and its Record of Decision that minimize the adverse impact of the road corridor on the refuge would be included in covenants attached to or made a part of the patent conveying ownership of the road corridor to the State of Alaska.

Two proposed road alignments have been designed from the Northeast Terminal to Outer Marker Road, in the vicinity of the Cold Bay Airport. The exchange parcel would extend from the refuge boundary on the east side of Cold Bay, across the isthmus, and south to the boundary with the State lands north of the community of Cold Bay. The segment of the Southern Alignment that passes through the refuge is estimated at 201 acres and the segment of the Central Alignment that passes through the refuge is estimated at 227 acres.

Sitkinak Island

The United States would convey to the State of Alaska, by patent, fee title to approximately 1,619 acres (remaining federal ownership on Sitkinak Island) which is described as:

Township 41 South, Range 31 West, Seward Meridian

Tract B within Sections 26, 35, and 36;

Township 42 South, Range 30 West, Seward Meridian

Section 7; Tract B; and

Township 42 South, Range 31 West, Seward Meridian

Tract B within Sections 9, 10, 15, 16, 17, 20, and 21

Tract C within Sections 1 and 12.

The Sitkinak Island parcel encompasses an abandoned U.S. Coast Guard (Coast Guard) Long-Range Air to Navigation Station. The Coast Guard has removed and remediated contaminated soils from the site slated for exchange, in addition to removing batteries. However, remaining contamination in the buildings and a small surrounding area has been identified. The Coast Guard recognizes that it is legally responsible to remove the contamination, but the timing and

funding of this additional work is currently uncertain. The remaining contamination is identified as a low priority in the budgeting process, since there is no threat to human health.

The State of Alaska is not willing to accept contaminated lands in the exchange. Although the Coast Guard would remain legally responsible to complete the cleanup, the State's position is that the uncertain schedule makes it unreasonable to receive a contaminated site in the exchange.

The proposed solution is for the Coast Guard to survey and retain the small area with the contaminated buildings and soil, including any area needed to account for migration of the contaminated plume into adjacent soils. This contaminated parcel would be excluded from the conveyance to the State of Alaska until the cleanup has been completed. Then, the retained parcel would be conveyed to the State of Alaska.

State of Alaska

The State of Alaska would transfer by warranty deed to the United States fee title, without encumbrances or reservations, approximately 41,887 acres for inclusion in the National Wildlife Refuge System and the National Wilderness Preservation System, which is described as:

Township 53 South, Range 85 West, Seward Meridian

Tracts A to V, inclusive; and

Township 54 South, Range 85 West, Seward Meridian

Tract A

The State of Alaska would retain all right, title or interest in approximately 295 acres of submerged lands beneath inland waters which have been excluded from the above acreage estimate.

King Cove Corporation

Mortensens Lagoon

King Cove Corporation would transfer by warranty deed to the United States the surface estate, without encumbrances or reservations, of approximately 8,092 acres which is described as:

Township 58 South, Range 88 West, Seward Meridian

Sections 6 and 7, those areas south and east of the right bank of Russell Creek;
Sections 5, 8, 9, and 10, those areas south and west of public easement EIN 4 I,
the Mortensen Lagoon Road easement;
Section 15, those areas south and west of public easement EIN 4 I;
Section 16;
Sections 18 to 21;
Sections 22 and 23, those areas south and west of public easement EIN 4 I;
Sections 26 and 27, those areas north and west of public easement EIN 4 I;
Sections 28 to 30; and
specifically excluding public easement EIN 4 I and those areas to the north and
east of public easement EIN 4 I.

The State of Alaska would retain all rights, title or interest in submerged lands beneath inland waters determined navigable for purposes of title through federal judicial or administrative procedures.

Kinzarof Lagoon

King Cove Corporation would transfer by warranty deed to the United States the surface estate, without encumbrances or reservations, approximately 2,604 acres for inclusion in the National Wildlife Refuge System and the National Wilderness Preservation System which is described as:

Township 57 South, Range 87 West, Seward Meridian

Sections 6 and 7, excluding proposed King Cove to Cold Bay road corridor;

Township 57 South, Range 88 West, Seward Meridian

Sections 1, excluding proposed King Cove to Cold Bay road corridor;

Sections 2 and 3;

Section 4, lots 1, 2, 5, and 7; excluding lots 3, 4, and 6a

Section 5, lots 1 to 9;

Section 6, lots 1 to 4;

Section 7, lots 1 and 2; and

Section 12.

This acreage estimate does not include 12.3 acres of islands previously conveyed to the Service and approximately 35 acres to be retained by King Cove Corporation for the 100-foot corridor through the east side of the parcel. The State of Alaska would retain all rights, title or interest in submerged lands beneath inland waters determined to be navigable for purposes of title through federal judicial or administrative procedures.

Relinquishment of Selection

King Cove Corporation would relinquish its selection of approximately 5,430 acres of surface estate, as described below, made pursuant to Section 12(a) of the *Alaska Native Claims Settlement Act* (ANCSA).

Township 57 South, Range 87 West, Seward Meridian

Sections 3 to 5;

Sections 9 and 10;

Section 15;

Section 22;

Section 27; and

Section 34;

King Cove Corporation's relinquishment of its ANCSA Section 12(a) selection of the land described above would result in selection and conveyance of approximately 5,430 acres of surface estate, within the previously identified ANCSA Section 12(b) priority area within the Alaska Peninsula National Wildlife Refuge (Figure 3.3-1). Pursuant to ANCSA, The Aleut Corporation would receive the subsurface estate of the lands conveyed to the King Cove Corporation.

Boundary Adjustment

In the vicinity of Blinn Lake, the Service would execute a boundary adjustment between Izembek and Alaska Peninsula National Wildlife Refuges, which is described as:

"From the northwest corner of State of Alaska land in the northeast quarter of Section 22, Township 57 South, Range 89 West, Seward Meridian, thence easterly along the northern

boundary of State of Alaska land to the line of mean high tide of Cold Bay, thence northerly along the line of mean high tide of Cold Bay to the existing shared boundary between Izembek and Alaska Peninsula National Wildlife Refuges” (see Figure 2-6).

RCA Parcel

The State of Alaska would need to acquire an easement or right of way from RCA Alaska Communications, Incorporated for the western route around Blinn Lake that would cross this 22.96 acre parcel.

Federal Aviation Administration

The Service would need to request that the Federal Aviation Administration (FAA) provide a letter of non-objection to either of the actions the Service would pursue to provide the State of Alaska the necessary interest in land to allow public use and maintenance of the existing road within Air Navigation Site 176 (ANS 176). The Service would either grant the State of Alaska a right of way permit for public use and maintenance of the existing road or transfer ownership (by patent) of the existing road/road corridor to the State of Alaska. A letter of non-objection would state that the proposed action would have no effect on the maintenance of air navigation facilities, the use for which ANS 176 was established. It is likely that the FAA would condition its non-objection on the implementation of certain requirements including installation of a gate at the intersection of Outer Marker Road and the proposed road to King Cove that would prevent access to its VOR site.

**U.S. Department of Interior
U.S. Fish & Wildlife Service**

**<http://www.fws.gov>
<http://izembek.fws.gov/eis.htm>**

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