

Compatibility Determination

Gravel Road, Bridge, Material Site on lands subject to section 22(g) of the Alaska Native Claims Settlement Act (ANCSA).

An approximately three-mile long, single-lane gravel road, with one bridge over a stream crossing and the use of a nearby material site, are proposed for construction, operation, and maintenance on lands owned by the King Cove Corporation in the vicinity of King Cove, Alaska. The location of the project is shown in Figure 1. The roughly three-mile-long gravel road would connect to a road to a defunct hovercraft terminal and to the edge of lands that KCC acquired in 2025 in a land exchange with the United States that it proposes to use to continue the single-lane gravel road to expand the road system so that travel to the airport at Cold Bay is possible. The ANCSA 22(g) lands are located in close proximity to the Izembek National Wildlife Refuge (Refuge).

Refuge Use Category

Other Uses

Izembek National Wildlife Refuge

Refuge Purpose(s) and Establishing and Acquisition Authority(ies)

The Izembek National Wildlife Range was established in December 1960 as "a refuge, breeding ground, and management area for all forms of wildlife (Public Land Order 2216, 25 FR 12599)." Much of the range had been previously encompassed by the Aleutian Islands National Wildlife Refuge. The refuge's lands became available for selection to Alaska Native Corporations under the Alaska Native Claims Settlement Act (ANCSA) of 1971. With the passage of ANILCA in December 1980, the Izembek National Wildlife Range was redesignated the Izembek National Wildlife Refuge, and the boundaries were adjusted to encompass approximately 300,000 acres (ANILCA section 303(3)).

Lands subject to the patent restrictions imposed by Section 22(g) of ANCSA, which for the purposes of this Compatibility Determination, include the lands proposed for the approximately three-mile long road and the subsurface estate of a material

site, are subject to the compatibility requirements of Parts 25 and 26 of 50 CFR except as otherwise provided in 50 CFR 25.21(b). Key requirements from 50 CFR 25.21(b)(1), relevant to this determination, include the following:

(iii) Compatibility determinations will include only evaluations of how the proposed use would affect the ability of the refuge to meet its mandated purposes. The National Wildlife Refuge System mission will not be considered in the evaluation. Refuge purposes will include both pre-ANILCA purposes and those established by ANILCA, so long as they do not conflict. If conflicts arise, ANILCA purposes will take precedence.

...

(v) Compatibility determinations for proposed uses of 22(g) lands will only evaluate the effects of the use on the adjacent refuge lands, and the ability of that refuge to achieve its purposes, not on the effects of the proposed use to the 22(g) lands.

...

(viii) Refuge special use permits will not be required for compatible uses of 22(g) lands. Special conditions necessary to ensure a proposed use is compatible may be included in the compatibility determination and must be complied with for the use to be considered compatible.

50 CFR 25.21(b)(1)(iii), (v), (viii).

As designated by ANILCA, Section 303(3)(B), the purposes of the Izembek National Wildlife Refuge are:

- (i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to, waterfowl, shorebirds and other migratory birds, brown bears and salmonoids;
- (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; and
- (iv) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in paragraph (i), water quality and necessary water quantity within the refuge.

The pre-ANILCA and ANILCA purposes for Izembek National Wildlife Refuge are consistent. The pre-ANILCA purpose for the refuge set aside the lands as a refuge, breeding ground and management area for the conservation of all wildlife but provided for subsistence uses in that it “shall not prohibit the hunting or trapping of game animals and game birds or the trapping of fur animals in accordance with

applicable law (25 FR 12599).”

In addition, ANILCA designated approximately 95 percent of the Izembek Refuge as the Izembek Wilderness (ANILCA, Section 702(6)) to be part of the national wilderness preservation system provided for by the Wilderness Act of 1964 (16 USC 1131 et seq.). The purposes of the Izembek Wilderness include the purposes of their inclusion pursuant to the Wilderness Act. These purposes are for the areas designated by Congress as “wilderness areas”, to “... be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness” (16 USC 1131(a)).

Description of Use

Is this an existing use?

No

What is the use?

The project entails constructing a single-lane gravel road along a roughly three-mile stretch between the terminus of the King Cove Access Project and the eastern boundary of the Izembek National Wildlife Refuge and Izembek Wilderness Area. The proposed road would be completely contained within a right-of-way corridor. The Aleutians East Borough, King Cove Corporation, Community of King Cove, and the State of Alaska are collaborating on this initiative. Construction will require clearing, gravel fill, grading, and use of heavy machinery, including bulldozers, excavators, dump trucks, and road graders. Gravel sourced locally will primarily be used for the road corridor, with larger rip-rap material delivered as necessary. Construction equipment and materials will be transported to the site as needed to facilitate both initial development and ongoing maintenance. Maintenance of the gravel road will be the responsibility of the State of Alaska or the Aleutians East Borough as part of their normal operations plans. Typical gravel road maintenance may require grading the road surface, renewing the aggregate, controlling vegetation, and maintaining roadside drainage. Winter road maintenance may also include routine snowplowing, grading, and anti-icing to ensure safe medical and emergency transit between the communities.

A bridge will be required to cross an unnamed creek just west of milepost 2.5 to

enable passage from the east to west side, see maps located here: <https://dot.alaska.gov/procurement/awp/tas.html>. Construction of the bridge will likely involve standard heavy civil and environmental construction activities. These include clearing access paths, pile driving or excavating to build the bridge's foundation, erecting structural components (piers, abutments, and spans), and installing erosion control and fish passage measures. Maintenance of the bridge will likely involve periodic grading, resurfacing, and inspection to address wear and erosion due to weather and usage.

The approximately three-mile road is intended, among other things, to support surface transportation between King Cove and Cold Bay, improving local access and meeting emergency needs. Its single-lane design necessitates vehicles yielding or using designated pullouts for safe travel. Environmental considerations, including minimizing impacts on the creek and surrounding habitats—will be incorporated during both construction and maintenance phases to ensure regulatory compliance and preserve the natural landscape. Once built, the proposed road would be 13 feet wide (4 meters) at the surface (11-foot [3.4-meter] driving lane with two, 1-foot [0.3-meter] shoulders), with approximately 113 turnouts constructed along the entire road corridor to enable safe passage of approaching vehicles. Local officials and transportation planners estimate up to 15 vehicles are expected to travel the road each day. No guardrails or bollards are planned in the design standard. There are no current plans for vertical structures or lighting and the ADOT&PF has indicated they currently have no plans to incorporate that infrastructure into any future road project. The road is assumed to have a lifespan of greater than 50 years, with gravel for maintenance required over the life of the road (USFWS 2024a). Roads and trails constructed during World War II have persisted on the landscape of the Izembek Isthmus long past their period of maintenance (see section 4.1 and DOI/USFWS2013a).

In addition, there is a material site at Milepoint 0 that may be used for the construction and maintenance of the road and bridge. This is the only materials site that occurs during the approximately three-mile section of road that crosses refuge lands. Organic soils disturbed during construction would be staged and stockpiled within the corridor, then reused for finishing graded backslopes and reclaiming abandoned sections of existing roads and trails.

The project has incorporated a number of mitigations including those from KCC, AKDOT&PF, USFWS and NOAA's National Marine Fisheries Service (through Endangered Species Act (ESA) and Essential Fish Habitat (EFH) consultation) and they can be found in the Decision of the Secretary of Interior for the Proposed Land Exchange (October 2025) and associated biological opinions from 2025 and 2026. Those mitigations will mitigate the impacts of the uses of the ANCSA 22(g) lands for approximately three miles of proposed road, including the bridge, and the

material site on the resources of the Izembek refuge and on the wilderness characteristics of the Izembek Wilderness.

Is the use a priority public use?

No

Where would the use be conducted?

The proposed roughly three-mile gravel road, detailed at the State of Alaska site <https://dot.alaska.gov/procurement/awp/tas.html>, runs from King Cove Road's northern end to a larger planned road project (see Figure 1).

The material site is located near Milepoint 0 of the proposed road. In October of 2025, the US conveyed the subsurface of the parcel to King Cove Corp. However, the surface estate, which was conveyed previously, is subject to section 22(g) of ANCSA.

The approximately three-miles of gravel road and the material site are on King Cove Corporation ANCSA 22(g) surface estate lands. The road corridor is near King Cove Road's northern terminus and is fully within Section 6, T.57 S., R.87 W., Seward Meridian.

When would the use be conducted?

The construction work on this approximately three-miles would start as early as August, 2026 and may continue through additional construction seasons.

How would the use be conducted?

Site access will rely on ground transportation and heavy equipment via the current gravel road extending from King Cove to the current “hovercraft terminal”. Construction will include use of heavy machinery, which will reach the site from the King Cove community, then travel to the project area. This project will be required to seek and comply with any additional applicable permits or authorizations from the appropriate jurisdictions. The State of Alaska has applied for a permit with the Army Corps of Engineers and ESA consultation with the USFWS and NOAA NMFS has been completed.

As previously mentioned, the construction project will abide by several mitigation measures as outlined in the Secretary’s Land Exchange Decision Document, including requirements for Essential Fish Habitat.

Why is this use being proposed or reevaluated?

In 2003 the Aleutian East Borough proposed and began construction on a road and hovercraft landing which terminated in this area. The Izembek NWR evaluated that project with a CD entitled “Construction/Operation of Aleutians East Borough King Cove Access Project activities on King Cove Corporation, ANCSA 22(g) Lands.” That CD covered use of the same material site covered by this CD, but for the purpose of construction related to a road to the hovercraft landing site. This CD addresses use of the material site, including potential expansion of the material site for the proposed 18.9 mile road.

The Borough and its partners are proposing a project to extend the existing road approximately three miles north from the barge landing and the terminus of King Cove Road. This extension will incorporate a bridge near the northern boundary of the ANCSA 22(g) lands under consideration in this CD.

Constructing this segment will establish a connection between King Cove Road and recently transferred USFWS lands, and among other purposes, will facilitate further development of the corridor for additional road construction toward Cold Bay, Alaska.

Availability of Resources

The construction, use, and maintenance of a three-mile-long gravel road and use of the existing material site, will not result in an increase of costs for the Refuge staff to administer or manage.

There is increased potential that unauthorized ORV use originating from the ANCSA 22(g) lands will occur on adjacent Refuge lands. The FWS anticipates this may lead to an increased need for enforcement presence at the refuge. The cumulative impact to the USFWS budget would be negligible.

Anticipated Impacts of the Use

Potential impacts of the proposed use on the refuge's purpose(s)

Impacts of the entire proposed road to Izembek NWR resources and values, not just the roughly three miles of road proposed on the ANCSA 22(g) lands, are addressed by the Secretary's Decision Document in the ANILCA Section 810 analysis in Appendix B and in the Biological Opinion for the land exchange in Section 6.3.1, and in the Biological Opinions of October 2025 and June 2026. Consultations pursuant to the ESA for the land exchange agreement indicate that the construction, operation and maintenance of the entire road will not result in jeopardy for any

species listed under the ESA. The USFWS, in its 2025 and 2026 Biological Opinions, determined that it did not expect many Alaska-breeding Steller's eiders would be permanently removed from the population as a result of the effects of the entire proposed road or any portion thereof. The Biological Opinions also indicate the aquatic habitats Steller's eiders use for nesting, molting, general use which are primarily in the lagoons and not in the road corridor area and states that they are not known to collide with vehicles. As mentioned previously, there is potential for increased OHV use of the Refuge lands, some of which may stem from use of the approximately three miles proposed for construction on the ANCSA 22(g) lands. However, this scenario is unlikely because of the distance of the ANCSA 22(g) lands from the Izembek Lagoon. Concerns related to listed species result from potential increased use at Izembek Lagoon, but persons who may use OHV to access Izembek Lagoon are not expected to leave the road from the ANCSA 22(g) lands, as they are much further away from Izembek Lagoon than alternate routes. Furthermore, unauthorized OHV use can also be mitigated to some extent with increased education, partnerships and enforcement measures. Thus, use of the ANCSA 22(g) lands for the construction, maintenance, and use of approximately three miles of road, including the proposed bridge, and for one material site is not expected to have significant impacts on listed species.

In addition, use of the ANCSA 22(g) lands for the construction, maintenance and use of the proposed road is expected to have a negligible impact on Brown Bears, Tundra Swans, and Black Brant and have been dismissed from further analyses. The ANILCA Section 810 analysis determined that the proposed project would not result in significant restrictions to subsistence uses. During public hearings for the 810 Analysis, the Secretary considered comments from residents that past military use and road activity have not diminished the abundance or harvest of brant in the area. The effects and impacts of the proposed use to refuge resources, whether adverse or beneficial, are those that are reasonably foreseeable and have a reasonably close causal relationship to the proposed use. This CD includes the written analyses of the environmental consequences on a resource only when the impacts on that resource could be more than negligible and therefore considered an "affected resource."

The purpose for Izembek NWR includes conservation of salmonid populations and habitat. If the approximately three miles of road and bridge on the ANCSA 22(g) lands are constructed and maintained to the specific conditions listed in plans designed by ADOTPF at <https://dot.alaska.gov/procurement/awp/tas.html>, it is not expected to impact salmonids within the Izembek NWR.

Under the entire road proposal, approximately 71 drainage structures would be installed along the road corridor, consisting of 1 bridge, 7 culverts/pipe arches or small bridges, and 63 cross drainage culverts. The approximately three-mile stretch

of the road contains only a fraction of those total structures, but does include the single bridge. While residents of the study communities do not report harvesting fish directly along these waterways, they do harvest fish in Cold Bay and at the mouths of rivers and streams throughout the project area, including near Kinzarof Lagoon, and could experience indirect downstream effects from the project. Any indirect effects on subsistence would be most likely to occur in the Kinzarof Lagoon watershed. The proposed road generally transects the upper portions of the stream reaches that flow into Kinzarof Lagoon, and therefore, most direct effects, if any, would occur for species that use the upper reaches of those streams. These species include sockeye and coho salmon, both key resources for subsistence users across the region. During hearings for the draft ANILCA Section 810 analysis, King Cove residents noted that there are already roads in the region and that they have not observed those roads or culverts having an effect on wildlife, including salmon migrating upstream.

Additionally, if culverts are designed properly and regularly monitored, maintained, and repaired, direct impacts to fish and fish habitat resulting from the proposed action are expected to be low in intensity and scale and limited to the Kinzarof Lagoon watershed (2024 Draft SEIS, Section 4.7.2.3). While King Cove and Cold Bay residents have reported harvesting in the Kinzarof Lagoon area, other more productive salmon streams exist closer to these communities and are more frequently used by subsistence users. As a result, the construction and maintenance on the ANCSA 22(g) lands is not expected to have an impact on salmon or habitat on the Refuge. Likewise, the use of the approximately three miles of road and the bridge on the ANCSA 22(g) lands is also not expected to have an impact on salmon populations and habitat within the Izembek Refuge.

Although the Refuge prohibits the use of motorized all-terrain vehicles within the Refuge, there is a recognition that such activity may still occur to ensure rural Alaskan residents have access to subsistence uses as guaranteed by ANILCA Section 811(b). The road could potentially lead to an increase in the current network of unauthorized all-terrain vehicle trails. However, it is also possible that the presence of the road will reduce the frequency and extent of all-terrain vehicle travel in the Refuge. The proposed road corridor may reduce residents' reliance on existing unauthorized all-terrain vehicle trails within the Refuge. While it is possible that some new trails will be established in order to access key hunting or harvesting areas located at a distance from the road, it is also likely that certain trails, particularly in areas of rough terrain and in the vicinity of the proposed road corridor, will see less use as a result of the more easily navigable road system.

The Ramsar Convention is an international convention (or intergovernmental treaty) adopted in the Iranian city of Ramsar in 1971. It provides a framework for national and international cooperation for the “conservation and wise use” of

wetlands and their resources. Countries that have adopted the convention have committed to “designate suitable wetlands for the List of Wetlands of International Importance and ensure their effective management” and to “cooperate internationally concerning transboundary wetlands, shared wetland systems, shared species, and development projects that may affect wetlands.” The Ramsar Convention entered into force in 1975 and the U.S. joined the convention in 1987. The Izembek National Wildlife Refuge was included on the Ramsar list in 1987, when it became one of the first sites designated by the U.S. as a Wetland of International Importance.

The approximately three-mile portion of the of the road and the bridge are not expected to have more than negligible impacts, if any, on wetlands and eelgrass within the Refuge. The road corridor has been selected in part to minimize effects to streams, ponds, and wetlands, and construction of a road will comply with other applicable requirements such as permitting under the USACE regulatory program, pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899, as well as Executive Order 11990 and Ramsar Treaty obligations through consideration of all practicable alternatives and mitigation measures to ensure that harm to wetland functions and values is minimized.

In most locations the road corridor alignment is one mile or more from the shorelines of each lagoon to avoid impacts to eelgrass, shorebirds, waterfowl, and marine mammals. The areas of road closest to Izembek Lagoon are not on the ANCSA 22(g) lands so the use of the ANCSA 22(g) lands would not be expected to lead to increase use or effects on Izembek Lagoon, which is the area consisting of eelgrass and the basis for the Wetland of International Importance.

Although Izembek NWR and Izembek Wilderness have significant resource values, they are not pristine or untrammelled areas. There are approximately 35 miles of dirt and gravel roads already existing within the Izembek Refuge, including some within a portion of the Izembek Wilderness. In addition, portions of the Izembek NWR lie within the Cold Bay/Fort Randall Formerly Used Defense Site with current and ongoing cleanup projects overseen by the U.S. Army Corps of Engineers (USACE) in collaboration with the Service. Also, there is a significant history of use of these lands for motorized transportation on roads and trails by the U.S. military and the local population before the enforcement of regulatory restrictions in the 1960s and subsequent wilderness designation in 1980.

If the proposed road is constructed and operated, there may be some additional impacts on the wilderness characteristics of the adjoining areas that remain wilderness due to the fact that road construction and operation brings motorized transportation closer to designated wilderness areas, thereby potentially increasing exposure to vehicle noise and unauthorized motor vehicle use. However, those

impacts will be limited because the road will be constrained to a single-lane gravel road and associated material sites are largely associated only with the construction of the road.

Additional details addressing the impacts of the proposed road are detailed in the related environmental documentation prepared by the USACE (File Number, POA-2010-00286) in compliance with the National Environmental Policy Act (NEPA). and in the biological opinion(s) prepared in compliance with the Endangered Species Act. In its analysis, the USACE determined that the 19-mile road as proposed will not have a significant impact on the quality of the human environment and issued its permit with appropriate conditions included to ensure minimal effects. Additional details addressing the impacts of the proposed road on species listed under the ESA that are managed by NMFS are detailed in a Biological Opinion and a subsequent letter of concurrence by NMFS (AKRO-2025-01895) dated August 7, 2025.

Public Review and Comment

The compatibility determination will be available for public review and comment for two weeks from July 10 - July 24, 2026. The public will be made aware of this comment opportunity through a posting at:

<https://www.fws.gov/refuge/izembek/library>.

A hard copy of this document will be posted at the Refuge Headquarters in Cold Bay. Please let us know if you need the documents in an alternative format. Electronic comments can be submitted to Jaron Ming at jaron_ming@fws.gov. Concerns expressed during the public comment period will be addressed in the final determination. If you have any questions you can contact the Izembek Refuge Manager at 907-302-5029.

Determination

Is the use compatible?

Yes

Stipulations Necessary to Ensure Compatibility

Monitoring of this proposed use must be sufficient to evaluate compliance with stated conditions and swift action must be taken to correct or respond to any serious deviations.

The proposed use must adhere to the mitigation measures incorporated into the project, developed previously or currently in the process of being developed, including but not limited to conservation measures for essential fish habitat, and measures that are being developed through the Corps permit process and the ESA consultation process, to address environmental concerns associated with gravel road construction, maintenance, and prolonged use, the Aleutians East Borough, King Cove Corporation, Community of King Cove, and the State of Alaska must ensure that all those engaged in construction, maintenance and operational activities adhere to the subject stipulations. Those provisions include such requirements as limitations on external lighting and prevention of bird collisions, reasonable efforts to restrict vehicle and boat access to sensitive wildlife habitats, stop work procedures and reasonable avoidance when encountering protected species, and reasonable efforts to limit introduction of invasive species, as well as others.

Monitoring of all construction, maintenance, and operational activities is required to ensure compliance with these stipulations, and immediate corrective actions must be taken in response to any significant deviations or violations.

Justification

Based on the analysis provided and referenced herein, and assuming adherence to the stipulations and mitigations included in the project design and permitting and consultation processes, impacts of the proposed road construction, maintenance, and prolonged use of the ANCSA 22(g) lands at issue on the resources of the Izembek Refuge are far less than the impacts of the entire road. Furthermore, it does not appear that the effects would, in any material way, interfere with or detract from the fulfillment of the purposes of the Izembek Refuge.

With adherence to the stipulations described in the Project Description and developed through the ESA consultation process, the Essential Fish Habitat process with NMFS, and the Corps of Engineers permitting process, as well as those set forth above, it is expected that wildlife populations will continue to have access to adequate food sources and resting areas so their numbers and presence within the Refuge will not be measurably reduced as a result of the proposed road construction, maintenance, and prolonged use on the ANCSA 22(g) lands. Consequently, there would not be a reduction in the availability of resources for subsistence purposes within the Izembek Refuge. In addition, there is a concerted effort to minimize potential loss of wetland habitat within the Izembek Refuge so that it would not impact salmon populations, treaty obligations, or subsistence use; and the end result creates increased access to subsistence resources as required by ANILCA.

Signature of Determination

Assistant Regional Director Signature and Date

Signature of Concurrence

Not Applicable

Mandatory Reevaluation Date

N/A

Literature Cited/References

N/A

Figure 1

