

Compatibility Determination

Construction, Operation and Maintenance of a Gravel Road, Bridge, and Parking Area and additional use(s) of an existing road and lands in the vicinity of a Material Site on lands owned by the King Cove Corporation subject to section 22(g) of the Alaska Native Claims Settlement Act (ANCSA) located near Izembek National Wildlife Refuge (Refuge).

This compatibility determination addresses proposed activities in two different locations on lands owned by the King Cove Corporation in the vicinity of King Cove, Alaska: 1) Construction, operation and maintenance of an approximately 2.8-mile long, single-lane gravel road, with one bridge over a stream crossing and a parking area and 2) additional uses of an existing road and lands occupied by a material site. The location of the proposed road and bridge is shown in Figure 1. The roughly 2.8-mile-long gravel road would connect to a road to a defunct hovercraft terminal on one side and to the edge of lands that KCC acquired in 2025 in a land exchange with the United States on the other side. The additional transportation activities would take place between the proposed 2.8-mile road and an existing material site. The lands are located in close proximity to the Izembek National Wildlife Refuge (Refuge) The U.S. conveyed the lands addressed by this Compatibility Determination (CD) by patent to the King Cove Corporation subject to the laws and regulations governing use and development of Izembek Refuge.

Refuge Use Category

Other Uses

Izembek National Wildlife Refuge

Refuge Purpose(s) and Establishing and Acquisition Authorities

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 Alaska National Interest Lands Conservation Act (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)).

The Ramsar Convention (or intergovernmental treaty) 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 was designated by the U.S. as a Wetland of International Importance.

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 2.8-mile long gravel road and the use of additional lands in between the proposed 2.8 mile gravel road and an existing material site for transportation and the extraction of materials, 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 different uses of different lands. The first use is constructing, operating, and maintaining a single-lane gravel road along a roughly 2.8-mile stretch between the terminus of the King Cove Access Project through the Izembek National Wildlife Refuge and Izembek Wilderness Area. The proposed road location will begin at Latitude 55.249398 ° N., Longitude 162.506574 ° W., approximately 23 road miles northwest of the community of King Cove. The proposed 2.8-mile road section proposed on the lands subject to section 22(g) of ANCSA would connect at its eastern end to a right of way corridor that was conveyed to the King Cove Corporation in 2025.

A bridge will be built to cross an unnamed creek just west of milepost 2.5 to enable passage from the 2.8 miles of road on the lands with the ANCSA 22(g) patent restriction to the rest of the road. Additionally, there will be a parking area just south of mile 2.8.

The approximately 2.8-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 mitigations and minimizing impacts on the creek and surrounding habitats, have been addressed in the associated Biological Opinions of 2025 and 2026 and the USACE Decision Document and Environmental Assessment for the project.

The approximately 2.8 miles of proposed road is a section of an approximately 19-mile proposed single lane gravel road that will connect the existing roads from King Cove to the Cold Bay airport. More information about the proposed project details can be found in the US Army Corps of Engineers (USACE) Permit (POA-2010-00286) and in the Department of the Army Environmental Assessment and Statement of Findings relating to that permit application. The entire proposed road, including the approximately 2.8 mile section on the lands subject to section 22(g) of ANCSA 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. The USACE analysis estimates up to 45 vehicles are expected to travel the road each day, and likely less during the winter season (CEPOA-RD (File Number, POA- 2010-00286) at p. 12). No guardrails or bollards are planned in the design standard. There are no plans for vertical structures or lighting.

The road 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.

In addition, there is a material site at Milepoint 0 and the surface estate of this material site will be used for the excavating materials for construction and maintenance of the road project as a whole. These materials will be transported lands where the 2.8 miles of proposed road will be built along an existing road that is also located on lands subject to section 22(g) of ANCSA. 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.

Is the use a priority public use?

No

Where would the use be conducted?

The uses covered by this compatibility determination occur on privately owned lands and any spillover effects on refuge lands are not priority public uses of the Izembek Refuge. The proposed 2.8-mile gravel road, detailed in the USACE permit (POA-2010-00286), runs from King Cove Road's northern end to a larger planned road project (see Figure 1).

The activities associated with the use of the material site would occur between the material site and the beginning of the proposed 2.8 mile stretch of 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, was conveyed with a restriction in the patent and is subject to section 22(g) of ANCSA. In addition, the lands between the material site and the proposed 2.8 mile stretch of road are subject to section 22(g) of ANCSA.

The approximately 2.8 miles of proposed gravel road will be located on King Cove Corporation lands conveyed to King Cove Corporation by patent subject to ANCSA 22(g) restrictions. It is located within Sections 6, 7, 8, and 17, T.57 S., R.87 W., Seward Meridian.

The material site is located on Lot 3, US Survey 14495 and contains 5.74 acres

located within Section 17, T.57S, R.87W. The subsurface was conveyed to KCC by patent in 2025 and the patent does not have a restriction based on section 22(g) of ANCSA. However, the surface estate of the material site will be used to extract, store, and produce the material. In addition, there is already a road from the material site to milepost 0 of the proposed road and the existing road will be used for the transport of the materials.

When would the use be conducted?

The construction work for the road would start as early as September 1, 2026 and may continue through additional construction seasons. The current gravel road extending from King Cove to the current “hovercraft terminal” will be used for site access and to transport heavy equipment during construction. The materials site is expected to be used starting immediately after issuance of this final CD (August 2026).

The operation and maintenance work would begin once construction is complete. 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).

How would the use be conducted?

The King Cove Corp (KCC) obtained ownership of the lands subject to 22(g) of ANCSA by patent issued in 1990. KCC has conveyed an easement and right-of-way to the Agdaagux Tribe of King Cove for the proposed road. In addition, there is a memorandum of agreement between the AK DOT&PF and the Aleutians East Borough and the Borough will provide maintenance of the proposed road for a period of at least twenty years.

Construction will require clearing, gravel fill, grading, and use of heavy machinery, including bulldozers, excavators, dump trucks, and road graders. Gravel will primarily be used for the road surface, 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. 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.

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.

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.

The Corps of Engineers has issued a permit to discharge fill material in 4.58 acres of wetlands and 0.70 acre of stream channels for construction to the Alaska Department of Transportation and Public Facilities (AKDOT&PF). The only wetlands that would be filled on the lands subject to section 22(g) of ANCSA consist of 1) a small area located in the vicinity of the station 130+00, shown on Figure 2.3, Sheet 4 of 21 of the plans attached to the Corps permit and 2) an unnamed creek that will be crossed through a pile-supported bridge that will eventually involve hardening the bank of the creek.

Per USACE permit conditions, natural drainage patterns are maintained throughout all construction, operation, and maintenance periods by the installation and maintenance of culverts in all authorized fill areas in sufficient number and size to prevent ponding, dewatering, and water diversions between watersheds. Culverts in fish-bearing streams shall be designed to maintain a natural channel and natural stream bed characteristics. This embedded stream simulation design shall maintain fish passage by retaining the natural stream slope, bankfull flow, water velocity, and depth patterns similar to the natural (undisturbed) stream reaches upstream and downstream of the culvert location.

After construction, operation and maintenance of the road consists of gravel resurfacing, including periodic grading, sorting, and replacement of aggregate and fill material along the 13-to-24-foot unpaved prism, as well as ongoing or intermittent local gravel mining, processing, and staging from approved material sites along or near the corridor. Maintenance also includes drainage upkeep such as clearing and maintaining culverts and the bridge structure to preserve natural hydrologic flow across the isthmus wetlands. Winter maintenance also includes snow and weather clearance to keep the emergency route passable for community transport.

As previously mentioned, the construction, operation, and maintenance of the

project will abide by several mitigation measures as outlined in the USACE Decision and Secretary's Land Exchange Decision Document, including requirements for Essential Fish Habitat.

Why is this use being proposed or reevaluated?

The construction, use and maintenance of the 2.8-mile gravel road is being proposed 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.

The construction, use and maintenance of the 2.8-mile gravel road is being proposed as part of an approximately 19-mile gravel road that will establish a connection between King Cove Road and the Cold Bay airport.

The use of the existing road and lands in between the material site and the location of the proposed gravel road is being addressed in this Compatibility Determination (CD) because the uses for these purposes are not addressed in the 2003 compatibility determination 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. That CD also covered the construction and operation of the gravel road that now exists between the material site and the location where the 2.8-mile gravel road is proposed to start. While the 2003 CD remains in effect, the mitigations associated with that CD are superseded by those provided for this current CD because the construction for the 2003 CD has been completed and this CD covers new road construction, operation and maintenance. Daily operation of a hovercraft and unlimited public use of the road was anticipated after completion of the project. This CD addresses surface use of the lands that the material site occupies, including potential expansion of the material site for the proposed 18.9-mile road.

Availability of Resources

The construction, use, and maintenance of a 2.8-mile-long gravel road and transport and other activities relating to the expanded 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 OHV use originating from the ANCSA 22(g) lands will occur on 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 Refuge resources and values, not just the roughly 2.8 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 issued a Biological Opinion on June 18, 2026, that determined the entire road would not likely jeopardize the continued existence of the Alaska-breeding Steller's eider or the southwest Alaska DPS northern sea otter. It also determined that the project would not likely destroy or adversely modify designated critical habitat for the Alaska-breeding Steller's eider or southwest DPS northern sea otter. USFWS also determined that the project would not affect the federally endangered short-tailed albatross. Furthermore, mitigative measures would be in place that are expected to be beneficial to fish and wildlife including waterbirds, and marine mammals, and would also be protective of ESA species and critical habitats (CEPOA-RD (File Number, POA- 2010-00286) at pp. 28-29). Additionally, the USFWS 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 USFWS Biological Opinions of 2025 and 2026 also indicate the aquatic habitats Steller's eiders use for nesting, molting, and general use are primarily in the lagoons and not in the road corridor area and states that they are not known to collide with vehicles.

The proposed road is an important caribou migration corridor between calving and wintering grounds. The Southern Alaska Peninsula caribou herd is a species of concern for Izembek Refuge because of its small population size and importance culturally to local people. Izembek Refuge contains some of the highest densities of brown bears in Alaska. The isthmus is used by brown bears for foraging and on vegetation and salmon. The proposed road is not in caribou calving or bear denning areas. Impacts during construction are expected to be minor as caribou and brown bears will generally avoid construction areas as they traverse the habitat. After construction, the road is not anticipated to alter caribou or brown bear behavior as the road footprint will occupy a small percentage of their habitat. A single road could potentially affect caribou and brown bear behavior by altering their

movement patterns and distribution, and potentially survival. However, the remote location, avoidance of calving and denning sites, abundance of unroaded lands, low human population, narrow road width, anticipated slow driving speeds (generally 20 mph or less), and low traffic volumes (about 45 vehicles per day) could act to minimize such impacts to caribou and brown bear and their habitats (CEPOA-RD (File Number, POA- 2010-00286) at p. 12).

The ANILCA Section 810 Analysis for the Land Exchange, found as Appendix B of the DOI's Secretary's Decision Document, also provides information on the potential impacts of the road construction, operation, and maintenance on subsistence practices and species. The analysis determined that direct mortalities resulting from the road would not be likely to affect overall caribou population numbers (ANILCA 810 Analysis at p. 25). Additionally, the analysis determined that it is unlikely that the road itself would substantially increase the number of non-local and sport hunters traveling to this remote location for caribou hunting, and the Alaska Board of Game and Federal Subsistence Board would likely continue to closely manage hunting of this herd as long as population numbers are low. If overall population levels of the Southern Alaska Peninsula Caribou (SAPC) decline as a result of habitat fragmentation, loss, and effects on caribou migration, it is possible that total restrictions on hunting of this herd would resume, thus reducing their availability to subsistence users in the region. However, recently constructed industrial roads near Nuiqsut, Alaska, have resulted in a shift in the distribution of caribou harvests, with a majority of residents using the road to hunt despite the fact that overall harvests have not increased. During the public comment period for the 2024 Draft SEIS, residents noted that local subsistence users are unlikely to harvest more than they need and will continue to work with agencies to ensure resource populations are sustained. If overall population levels of the SAPC herd decline as a result of habitat fragmentation, loss, and effects on caribou migration, it is possible that total restrictions on hunting of this herd would resume, thus reducing their availability to subsistence users in the region. However, it is unlikely that the road would result in higher subsistence harvests such that they negatively affect caribou population levels (ANILCA 810 Analysis p. 30). Based on this evaluation, we think that the overall effects of the proposed use of the ANCSA 22(g) lands for the proposed 2.8 mile road and bridge on the caribou that use the Refuge and on subsistence hunting for caribou within the Refuge will be minor.

As mentioned previously, there is potential for increased OHV use of the Refuge lands from use of the approximately 2.8 miles proposed for construction on the ANCSA 22(g) lands. Unauthorized OHV use can also be mitigated to some extent with increased education, partnerships and enforcement measures. The 2026 Biological Opinion provided conservation recommendations for the project to reduce risk to species including a monitoring program and increased education, outreach, and communication efforts in rural communities (USFWS at p. 188).

Increased OHV use that originates from the proposed 2.8 miles of gravel road on the lands subject to section 22(g) of ANCSA is not expected to result in increased use of Izembek Lagoon. If the remainder of the proposed gravel road is built, those who wish to access Izembek Lagoon from the King Cove side are not expected to leave the road from the ANCSA 22(g) lands, as they are much further away from Izembek Lagoon than other sections of the proposed gravel road. Thus, use of the ANCSA 22(g) lands for the construction, maintenance, and use of approximately 2.8 miles of road, including the proposed bridge, and for the activities related to the use of the material site are not expected to have significant impacts on species that may be affected by increased use of Izembek Lagoon.

The proposed 2.8 miles of gravel road is nearer to Kinzarof Lagoon, though the proposed road would be at least ½ mile away from it. Kinzarof Lagoon is already accessible for human use from both Cold Bay and King Cove. Therefore, we expect that the proposed 2.8 miles of gravel road and parking area will not significantly expand use of Kinzarof Lagoon and will not have a significant impact on the quality of habitat in Kinzarof Lagoon from the potential additional soil compaction, erosion or sedimentation.

In addition, use of the ANCSA 22(g) lands for the construction, maintenance and use of the proposed road and parking area is expected to have a negligible impact on brown bears, tundra swans, and black brant. The ANILCA Section 810 analysis for the land exchange determined that the proposed project would not result in significant restrictions to subsistence uses.

Effects of the entire proposed road project are unlikely to result in a large reduction in migratory bird abundance within Izembek Refuge. Key species of concern are black brant and emperor geese, neither of which would experience substantial direct impacts to habitat due to the inland location of the road. Emperor geese are harvested in limited quantities by the communities of King Cove, Cold Bay, and False Pass, and therefore effects on emperor geese populations would not result in a large reduction in the abundance of migratory birds for those communities. Similarly, black brant are a key migratory bird species for subsistence for King Cove, Cold Bay, and False Pass; while there may be some changes in local abundance as a result of increased access by sport hunters and indirect effects on habitat, overall population levels of black brant are unlikely to decrease substantially as a direct or indirect result of the road. Local residents note that existing roads, sport hunting, air traffic, and human activity around Cold Bay and Izembek Lagoon have not had an observable negative effect on migratory bird populations or behavior to date. Finally, while road construction and operation would likely affect migratory bird behavior and distribution around the road corridor and near Kinzarof Lagoon, there would not be a major redistribution of

resources (ANILCA 810 Analysis p. 51). Based on this information, we conclude that the effects of the proposed uses would be minor for black brant and emperor geese that use Izembek Refuge and subsistence hunting for them on the Refuge would not be materially impaired.

The purpose for Izembek Refuge includes conservation of salmonid populations and habitat. If the approximately 2.8-miles of road, parking area, and bridge on the ANCSA 22(g) lands are constructed and maintained to the specific conditions listed in the USACE permit, it is not expected to significantly impact salmonids within the Izembek Refuge.

Effects to fish availability and abundance would be localized to the streams crossed by the project, primarily within the Kinzarof Lagoon watershed. Although most fish resources, including salmon, are of high importance to the study communities, because a majority of fishing for local study communities occurs outside the project area, impacts to fish populations or availability would not result in a large reduction in their abundance or availability (i.e., major redistribution of resources) to subsistence users (ANILCA 810 Analysis p. 51).

Public access to the road will likely increase competition for certain resources, such as migratory birds, particularly between subsistence users and sport hunters. However, these impacts would be additive to existing impacts of sport hunting in the region and therefore are not expected to be significant enough to cause a major increase in the use of those resources by non-subsistence users. Within the Refuge, caribou hunting is currently by Federal registration permit only, and therefore an increase in direct competition with sport hunters for caribou along the road corridor is unlikely at this time. The road would not be likely to substantially increase the overall number of sport hunters traveling to Cold Bay to hunt waterfowl or caribou, and therefore while the road may increase competition for migratory birds in certain areas along the road corridor, this change in competition would be unlikely to result in large reductions in resource abundance for subsistence users (ANILCA 810 Analysis p. 52).

Under the entire road proposal, approximately 85 culverts and one bridge will be installed. The approximately 2.8-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 in the ANILCA 810 Analysis (Cold Bay, King Cove, False Pass, Nelson Lagoon, and Sand Point) 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 for the 2025 land exchange, 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 proposed activities on the lands subject to ANCSA 22(g) are not expected to have an impact on salmon or habitat on the Refuge.

The potential 2.8-mile gravel road could lead to an increase in the current network of unauthorized all-terrain vehicle trails in Izembek Refuge. The Biological Opinion estimates 7.18 miles of new ATV trails per new mile of proposed road for the time period that the entire road remains in use (USFWS 2026 at p. 184). This may result in approximately 20 miles of new ATV trails on Izembek Refuge from the proposed uses of the ANCSA 22(g) lands. This is likely to cause some degradation of habitat on Izembek Refuge due to soil compaction and but is not likely to result in destruction or adverse modification of critical habitat for eiders or sea otters. However, some of the existing all-terrain vehicle trails within Izembek Refuge likely developed to provide access to Kinzarof Lagoon from the existing gravel road that ends at the hovercraft terminal. Construction of the 2.8-mile section of gravel road may reduce the frequency and use of those trails because the road will be more easily navigable.

The State of Alaska Department of Environmental Conservation (AK DEC) issued a water quality certification to the Alaska DOT&PF certifying that if the terms and conditions imposed by the Corps permit, the proposed construction will comply with water quality requirements. The AK DEC also found that the project would result in no significant degradation of water quality, and that any potential water quality degradation is expected to be temporary and limited (see AK DEC Water Quality Certification included with the USACE permit).

Additionally, the USACE analyses determined that the entire road would have minor impacts on the long-term physical, chemical, and biological characteristics of the aquatic ecosystems (CEPOA-RD (File Number, POA- 2010-00286) at p. 27-30). As analyzed by the USACE environmental assessment, project specific design and

mitigation measures are expected to limit impacts to wetlands. Stream riffle and pool complexes may occur in the project area and would also be protected with appropriate stream crossing structures to maintain hydrology, and best management practices to limit sedimentation. Mitigation measures would also include monitoring of stream crossings, best practices to limit and control sedimentation into waters, and public education of best practices for users of the road corridor and OHVs. These measures would mitigate impacts to wetlands, riffle and pool complexes and eelgrass beds within the road corridor and the adjacent Izembek Refuge (CEPOA-RD (File Number, POA- 2010-00286) at p. 30).

The approximately 2.8-mile portion of the proposed road and the bridge are not expected to have more than negligible impacts, if any, on wetlands and eelgrass within the Refuge based on their location (see Figures 2-5), use, size, and the culverts and the mitigation associated with the project. The USACE decision document and environmental assessment determined that the proposed project (the approximately 19-mile road, not just the 2.8 miles on lands subject to 22(g) of ANCSA) would avoid direct impacts to the tidal lagoons containing eelgrass beds, and mudflats. The USACE analysis specifically stipulates that to the extent practicable, staging areas and other work areas would be located in uplands at least 100 feet away from wetlands and other waters. Equipment would remain inside the identified project limits, and would not be stored, maintained, or repaired in waters of the U.S. Best management practices during construction would be followed to protect water quality, wetlands and waterways from excessive siltation and sedimentation (CEPOA-RD (File Number, POA- 2010-00286) at p. 2).

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.

Izembek Refuge and Izembek Wilderness have 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 Refuge lie within the Cold Bay/Fort Randall Formerly Used Defense Site with current and ongoing cleanup projects overseen by the 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 areas of the Izembek Refuge that adjoin the lands subject to the ANCSA 22(g) restrictions 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 uses associated with the material site are largely associated only with the construction of the road. The visual impact of the road to persons in the Izembek Wilderness is expected to be limited in the immediate vicinity of the road and non-existent elsewhere. The additional ORV use and trails that may occur in the Izembek Wilderness areas is likely to increase visual and noise disturbances in their immediate vicinity. Overall, however, this impact will have minor impacts on wilderness values due to the immense size of the wilderness area.

Additional details addressing the potential impacts and mitigation measures for the proposed road are detailed in the related decision document and 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 by FWS and NMFS 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 (CEPOA-RD (File Number, POA- 2010-00286) at p. 62). Additional details addressing the impacts of the entire 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.

This CD evaluates the compatibility of the construction, operation, and maintenance of approximately 2.8 miles of the proposed gravel road and with increased transportation activities and use of the lands between that road and the nearby material site with the purposes of Izembek Refuge. Those are the uses that are proposed to occur on lands subject to a patent restriction that provides that the lands remain subject to the laws and regulations governing use and development of the Izembek Refuge. Those regulations, in turn, provide that the Refuge Manager determines whether a proposed use of the land is compatible with refuge purposes (50 CFR 25.21). Uses that are found compatible with refuge purposes do not violate the patent restriction.

In some cases, to evaluate how the proposed uses of the lands with the patent restrictions would affect the ability of the Izembek Refuge to meet its mandated purposes, this CD considers analyses that have been done for the entire proposed 19 mile road, such as the Memorandum of Record on the department of the army Environmental Assessment and Statement of Findings for the permit application by

the AK DOT&PF or the Biological Opinion done in conjunction with that permit application. Those analyses include conclusions based on uses of a larger area that includes the construction, operation, and maintenance of a 2.8-mile stretch of road proposed on the lands with the patent restriction.

This CD does not extend to making any determinations as to whether the proposed uses of the lands that do not contain the patent restrictions are consistent with Refuge purposes. In addition, this CD does not address the construction of the entire road as an effect of the uses proposed for the lands subject to the patent restriction. The 2.8-mile section of road covered by this Compatibility Determination could be built independently of the remainder of the proposed road if desired to extend the road system from King Cove by 2.8 miles. Likewise, the remainder of the 19-mile gravel road could be built independently if KCC and AKDOT&PF secure the necessary funding and any additional necessary permits. Nevertheless, if the Service were to consider the effects of the entire proposed 19-mile gravel road in conjunction with the effects of the uses proposed for the lands subject to section 22(g) of ANCSA, it would not change the conclusion that the uses proposed for the ANCSA 22(g) lands do not materially interfere with or detract from the fulfillment of the purposes of the Izembek Refuge.

Public Review and Comment

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

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

A hard copy of the draft was posted at the Refuge Headquarters in Cold Bay. The FWS received six comments on the draft compatibility determination during the public review period. The final version of the compatibility determination considered and addressed the comments received as appropriate. Questions can be addressed to the Izembek Refuge Manager at 907-302-5029.

Determination

Is the use compatible?

Yes

Stipulations Necessary to Ensure Compatibility

Monitoring of this proposed road project must be sufficient to evaluate compliance

with stated conditions and corrective action must be taken to correct or respond to any significant deviations.

The proposed road project 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 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, Agdaagux Tribe, King Cove Corporation, 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. Previous monitoring or mitigations associated with the previous compatibility determination from 2003 largely applied to the King Cove Access Project and are no longer applicable or are being superseded by those related to current proposal for the construction, operation, and use of a road.

The measures adopted as part of the proposed road project must also be followed for the additional uses of the road including construction of the parking area and activities occurring on the surface estate of the materials site and existing road.

Justification

It does not appear that the effects of the uses proposed for the ANCSA 22(g) lands would materially interfere with or detract from the fulfillment of the purposes of the Izembek Refuge.

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 caribou, brown bears, eiders, black brant, emperor geese, salmon, eelgrass, wetlands and water quality resources of the Izembek Refuge would be minor. In addition, opportunities for subsistence hunting and fishing, and the abundance of game and fish available for hunting and fishing, would continue to be sufficient for the continuation of subsistence activities, and there will be minor impacts on wilderness values due to the immense size of the wilderness area.

The small project footprint, expected low traffic volumes, proposed road distance

from Izembek lagoon and eelgrass, abundance of Refuge wilderness lands and suitable habitats, and remote character of the setting limit adverse impacts of the project to wildlife and wilderness on Izembek Refuge. Waterbirds including geese and other waterfowl are adapted to utilizing suitable habitats under variable environmental conditions, and there is an abundance of suitable habitats especially eelgrass in the Izembek Refuge and in other bays and lagoons in the region. For these reasons, and with successful implementation of mitigative measures, to include consideration of fish and wildlife values, a co-management approach to wildlife conservation and cooperation among stakeholders, the high value of the refuge for migratory birds, waterfowl and other wildlife would remain (CEPOA-RD (File Number, POA- 2010-00286) p.29).

With adherence to the stipulations and mitigations described in the Project Description, included in the USACE decision document and associated environmental analysis, and developed through the ESA consultation process and the Essential Fish Habitat process with NMFS, 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 in Izembek Refuge.

Additionally, the use of the surface estate of the material site and the additional transportation uses on the existing road do not appear to have any effects that would materially interfere with or detract from the fulfillment of the purposes of the Izembek Refuge. The existing road has already been constructed and is already being maintained. The possibly increased number of vehicles using the road and increased activities relating to excavation of the material site are not expected to impact the salmon or wildlife on Izembek Refuge, or to impact subsistence uses or treaty obligations.

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

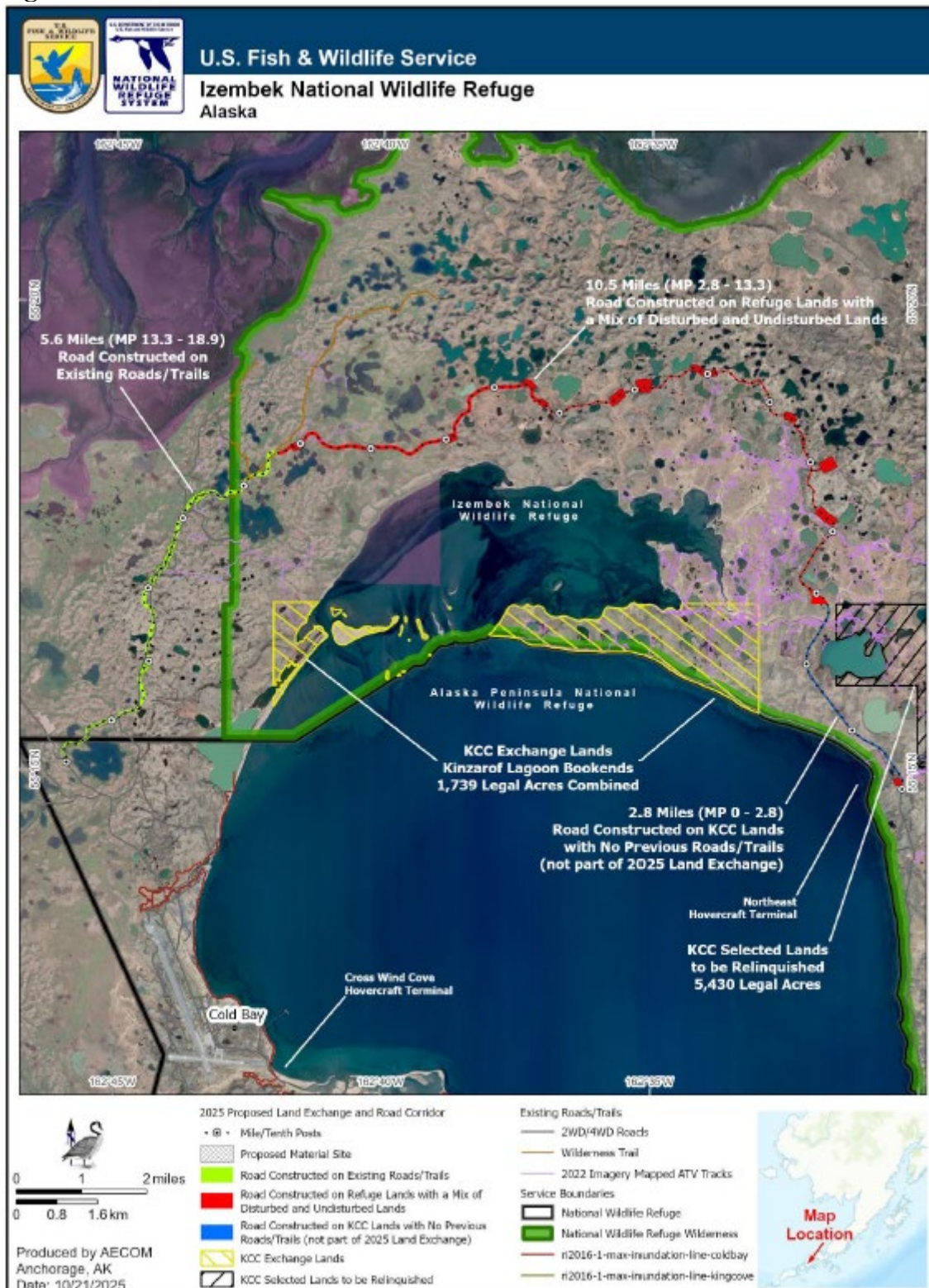


Figure 2



Figure 3

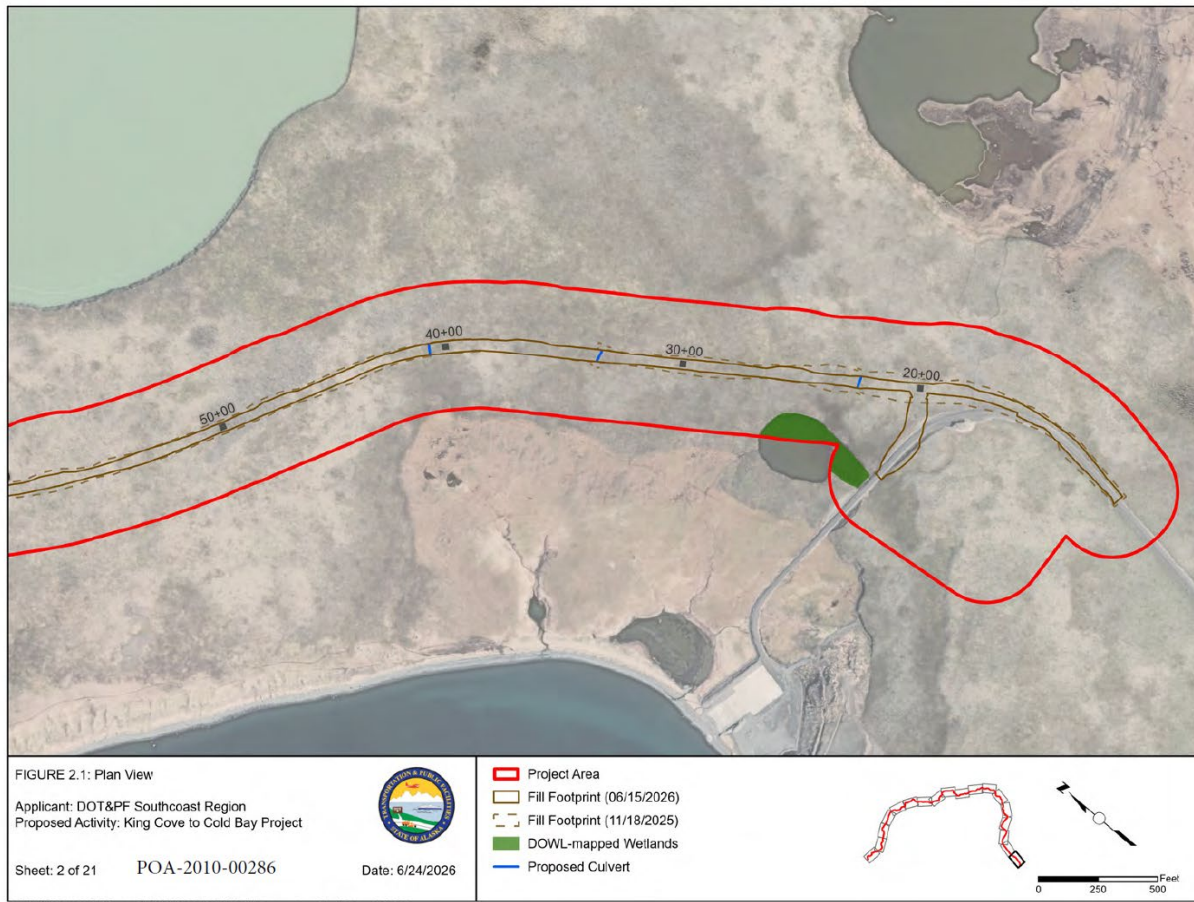


Figure 4

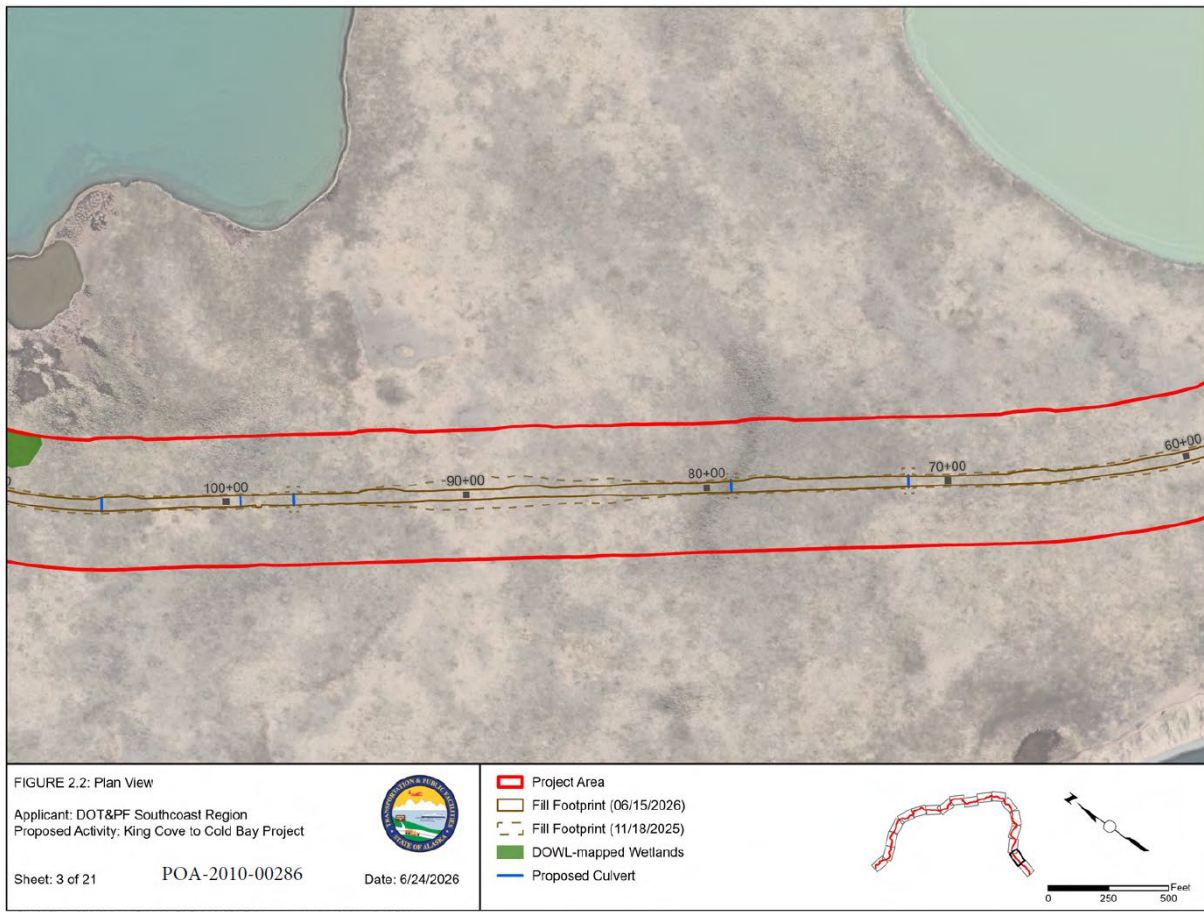
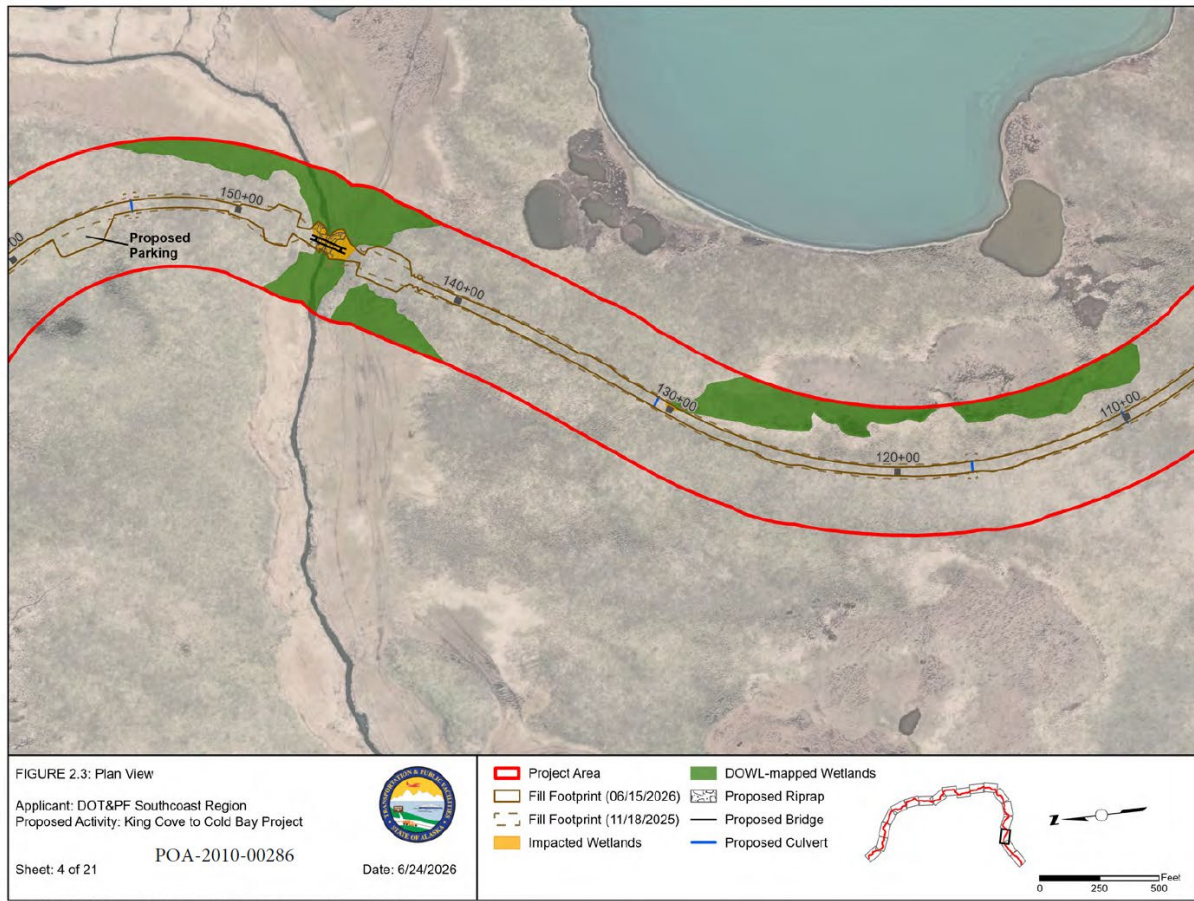


Figure 5



J:\5063353-0160GIS\Carto\ENV\63353 ENV\63353 ENV.aprx Jun 24, 2026 2:43 PM