

Use: Alaska Department of Transportation Right-Of-Way Application Bridge Survey Work

Refuge Name: Izembek National Wildlife Refuge

Establishing and Acquisition Authorities

The Secretary of the Department of the Interior established Izembek Wildlife Range on December 6, 1960 by Public Land Order 2216. With the passage of the Alaska National Interest Lands Conservation Act (ANILCA) in 1980 (Public Law 96-487 Stat.2371), the Izembek Wildlife Range was renamed the Izembek National Wildlife Refuge (Refuge) and 300,000 acres were given wilderness designation (Izembek Wilderness).

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 ANCSA made National Wildlife Refuge (Izembek) 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 King Cove 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)(l), states that compatibility determinations will be completed for uses of ANCSA 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)(l)(iii)]. 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 [50 CFR 25.21(b)(l)(v)].

Refuge Purposes

Public Land Order 2216 established the Izembek National Wildlife Range

"as a refuge, breeding ground, and management area for all forms of wildlife..."

Section 303(3) of ANILCA established additional purposes for the Izembek Refuge as follows:

- i. to conserve fish and wildlife populations and habitat in their natural diversity including, but not limited to, waterfowl, shorebirds, and other migratory birds, brown bears and salmonoids[sic];*
- 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)*

- iv. *and (ii), the opportunity for continued subsistence uses by local residents; and 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.*

In addition to the above purposes, Section 702(6) of ANILCA established 300,000 acres of the Izembek Refuge as the Izembek Wilderness. The purpose of wilderness units within the National Wilderness Preservation System is

“to secure for the American people of present and future generations the benefits of an enduring resource of wilderness.”

National Wildlife Refuge System Mission

The mission of the National Wildlife Refuge System (NWRS) 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 Administration Act, as amended [16 U.S.C. 668dd-668ee]).

Description of Use

The Alaska Department of Transportation and Public Facilities (DOT&PF) is proposing to conduct a bridge site topographic survey on King Cove Corporation, ANCSA 22(g) surface estate lands within Izembek NWR.

Why is the use proposed?

The data collected is necessary for the DOT&PF to determine proper location and alignment for a bridge on the portion of the ROW requested by the DOT&PF, as identified in the SF-299 application # R-353-IZ, that would be located on King Cove Corporation, ANCSA 22(g) surface estate lands.

When will the use occur?

The proposed field work will be conducted during the end of July through early August of 2021.

Where will the use occur?

Intended use, covered under this determination, would only occur on King Cove Corporation, ANCSA 22(g) surface estate lands, which is within the Izembek Refuge boundary. The subsurface lands are owned by the U. S. Fish and Wildlife Service (USFWS). The location of the proposed bridge site is situated within lands owned by the King Cove, Corp. and is located within Section 6, Township 57, South, Range 87 West, Seward Meridian, Alaska (see attached

map).

The closest adjacent Refuge lands is within 0.5 miles and 1.5 miles from the proposed bridge location and is located within Sections 34-31, Township 56 South, Range 87 West, Seward Meridian Alaska (see attached map).

How will the use be conducted?

- In the field, researchers will use survey-grade global position units and real-time kinematic positioning units to gather survey data in the vicinity of the proposed bridge abutments.
- In addition, researchers will utilize soil shovels, soil knives, and peat probes to gather geologic/soil data to determine rough competency of ground in the vicinity of the abutments.
- Crews are accessing the bridge site by foot.

Availability of Resources

Izembek Refuge management staff will spend approximately 10 hours or less managing the project through phone conversations, written correspondence, and evaluating the proposal under Refuge policies and regulations. No special equipment, facilities, or improvements are necessary and no additional maintenance or monitoring costs are expected.

Anticipated Impacts of the Use:

There are no anticipated impacts of this survey on adjacent Refuge lands or resources because of the distance of the proposed survey work from adjacent Refuge lands and the low impact methodologies of the proposed survey work.

Public Review and Comment

This compatibility determination will be available for public review at the Izembek Refuge Headquarters and Refuge Resource Management webpage at [www.fws.gov/refuge/Izembek/what we do/resource management.html](http://www.fws.gov/refuge/Izembek/what%20we%20do/resource%20management.html).

Determination

Use is Not Compatible

Use is Compatible with the Following Stipulations

Stipulations Necessary to Ensure Compatibility

N/A

Justification

This proposed use is not anticipated to have any impacts on the adjacent Refuge lands or resources, because of the location approximately half a mile away from the nearest refuge land and the low impact methodologies of the survey work. Therefore, this use will not materially interfere with or materially detract from fulfilling the purposes of the adjacent Refuge.

Supporting Documents

Map of proposed work.

Signature Refuge Manager: *Leticia Orellana* 7/22/2021
(Signature & Date)

Concurrence Regional Chief: _____
(Signature & Date)

Mandatory 10-Year Re-Evaluation Date: _____

NEPA Compliance for Refuge Use Decision

- N/A Categorical Exclusion without Environmental Action Memorandum
- _____ Categorical Exclusions and Environmental Action Memorandum
- _____ Environmental Assessment and Finding of No Significant Impact
- _____ Environmental Impact Statement and Record of Decision