

STATE OF ALASKA

CITIZENS' ADVISORY COMMISSION ON FEDERAL AREAS

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May 18, 2012

Stephanie Brady
U.S. Fish and Wildlife Service
1011 East Tudor Rd., MS-231
Anchorage, AK 99503

Dear Ms. Brady:

The Citizens' Advisory Commission on Federal Areas reviewed the Draft Environmental Impact Statement (DEIS) for the proposed Izembek National Wildlife Refuge Land Exchange and Road Corridor Project. We offer the following comments for consideration by the U.S. Fish and Wildlife Service and the Secretary of the Interior in making the public interest finding required under the provisions of the *Omnibus Public Land Management Act of 2009* (Public Law 111-11, Title VI, Subtitle E).

The Commission supports the exchange of federal public lands within the Izembek NWR and on Sitkinak Island for lands owned by the State of Alaska and King Cove Corporation for the purpose of constructing a road between the communities of King Cove and Cold Bay. Construction of this road will address the health and safety needs of the residents of King Cove by providing dependable, all weather access to and from the airport in Cold Bay. We believe that the exchange and construction of the road is in the public interest and strongly encourage Secretary Salazar to make such a finding.

The State of Alaska has clearly signaled its support for this project by authorizing the exchange of State lands and designating Kinzarof Lagoon as part of the Izembek State Game Refuge. HB 210 was passed unanimously by the Alaska State Legislature and signed into law by Governor Parnell in 2010. As stated in the DEIS, the exchange and designation will be finalized only if construction of the road is approved.

The Commission recognizes and appreciates the international importance of the Izembek NWR and the waters of the Izembek State Game Refuge as vital habitat for migratory

waterfowl, waterbirds, and shorebirds. We also understand the concerns about the potential impacts from construction and use of a road through a portion of the refuge. The land exchange represents an equitable compromise that will, if completed, accomplish several things. First, it provides a route for a road that will provide a much needed link for the residents of King Cove. As a mitigating measure, it also places a substantial amount of acreage into designated wilderness and retains other acreage in public ownership as part of the Izembek NWR wilderness. It provides additional protection for Kinzarof Lagoon by including it in the Izembek State Game Refuge. Proper design and management of the road, along with cooperation between State and Federal land managers and area residents will minimize any adverse impacts to this important area.

National Environmental Policy Act Requirements

Section 6402 of the 2009 *Omnibus Act* directs the Secretary to prepare an environmental impact statement under the provisions of the National Environmental Policy Act (NEPA) that contains an analysis of the proposed land exchange. The Council on Environmental Quality (CEQ) Guidelines (40 CFR 1502.1) state that an environmental impact statement “(s)hall provide full and fair discussion of significant environmental impacts...” These same guidelines require agencies to analyze impacts that are both beneficial and adverse. Unfortunately, our review of the document found that portions of it do not present a balanced and objective discussion and analysis of the impacts from the various alternatives.

The DEIS analysis focused almost exclusively on the potential negative impacts of the two alternatives involving the exchange of lands within the Izembek NWR which would result in the removal of between 131 and 152 acres of designated wilderness. At the same time, the positive benefits from the addition of 44,491 acres of State and King Cove Corporation lands to the Izembek and Alaska Peninsula National Wildlife Refuges and other actions taken by the State and the corporation are downplayed or even ignored.

For example, a key element of the exchange package, the inclusion of Kinzarof Lagoon in the Izembek State Game Refuge, receives very little recognition in the DEIS as a beneficial impact or mitigating factor. The Izembek State Game Refuge was established by the Alaska Legislature to protect natural habitat and game populations, especially waterfowl. Although the lagoon would remain in State ownership, it would be included in a legislatively designated area with purposes and goals similar and complementary to the purposes of the Izembek NWR.

Only the discussion of direct and indirect impacts from Alternative 2 (pg. 4-164) on marine mammals appears to concede that inclusion of the lagoon in the state refuge will have a positive impact by providing protection for harbor seals and other marine mammals. The DEIS contains almost no discussion of the importance of the lagoon as a spring and fall staging area for migratory waterfowl or as a wintering area for waterfowl. In those alternatives (1, 4 and 5) in which the lagoon would not become part of the state

game refuge, any impacts from not including the lagoon are considered minor or negligible.

Impacts to wilderness are handled in a similar fashion. Under Alternatives 2 and 3 some 44,491 acres would be added to the National Wilderness Preservation System. In addition, the existing 5,430 acre King Cove Corporation selection would be relinquished and remain as part of the Izembek NWR wilderness. Although this would create a new wilderness area within the Alaska Peninsula NWR and adds 2,604 acres to the Izembek wilderness, the positive impacts to wilderness are considered only “medium” because the parcels “are adjacent to existing wilderness and would not noticeably change the overall character of existing wilderness.” (pg. 4-210)

The addition of these state and corporation lands are not recognized as having any mitigating effect on the perceived impacts from the removal of 131 acres from wilderness and the construction of the road.

We note that in the 1985 *Alaska Peninsula NWR Comprehensive Conservation Plan/ EIS and Wilderness Review*, refuge lands adjacent to the two state parcels proposed for exchange were determined to be suitable for wilderness designation. It is also reasonable to assume that these lands would have been included as part of the Alaska Peninsula NWR had they not already been in State ownership at the time the Alaska National Interest Lands Conservation Act was enacted in 1980.

Section 3.3.10.2 of the DEIS discusses the Izembek NWR Wilderness in considerable detail, including descriptions of the untrammled quality, natural quality, undeveloped quality and outstanding opportunities for solitude or a primitive and unconfined type of recreation quality. In contrast, the DEIS contains only a single sentence to describe the wilderness character and values of the state parcels: “*These parcels are remotely located and not easily accessible.*” (pg. 3-350)

When that abbreviated description is compared to the description of the refuge lands adjacent to these parcels found in the 1985 Alaska Peninsula CCP a different picture emerges:

Pavlof Wilderness Review Unit - This area encompasses the part of the refuge from Pavlof Bay southwest to Izembek National Wildlife Refuge. The unit also contains a diversity of fish, wildlife, geological, and wilderness values.

Larger streams on both sides of the peninsula in this unit support five species of salmon, steelhead trout, and Dolly Varden. In addition to using streams, sockeye salmon spawn in lowlands lakes. The Cathedral River Valley and wetlands northeast of Trader Mountain are important nesting and rearing areas for migratory bird species, including tundra swan, lesser sandhill crane, rock sandpiper, mallard, pintail, green-winged teal, greater scaup, common goldeneye, black scoter, and red-breasted merganser. The coastal portions of the unit along the Bering Sea and Pavlof Bay are important to migrating and feeding

shorebirds. The entire area is valuable for the lower peninsula's brown bear population, and also contains denning habitat for some of Izembek Refuge's brown bear as well. Caribou move throughout the area seasonally, particularly in the Black Hills calving ground. Other mammals occurring in the unit include wolf, wolverine, red fox, porcupine, river otter, mink, short-tailed and least weasels. (CCP/EIS/WR pg. 122).

While we fully recognize this describes adjacent refuge lands and not the parcels themselves, it is highly likely that it also accurately describes the State parcels, particularly since the lands are separated by a surveyed line and not a natural boundary.

There are other examples in the DEIS of the lack of balance in the discussion of the beneficial vs. adverse impacts from the proposed exchange and road construction. The positive aspects of the State and corporation lands to be exchanged are de-emphasized or minimized when compared to the refuge lands. The result is a document that does not meet the CEQ guidelines that require a "full and fair" review of the impacts of the proposed action.

Additional Data Needed

In the discussion of brown bear on State land in Chapter 3 (pg. 3-162) the DEIS notes that the refuge areas immediately east and west of this parcel are designated under a USFWS ranking system as "high density – spring summer and fall" and the area immediately south is designated "high density – denning" and "medium density – spring, summer and fall." The DEIS then points out that State lands are not designated under this ranking system. Figure 3.2-17 (pg. 3-145) does show the state parcels as "high density" spring summer and fall. The discussion in Chapter 3 should be revised to reflect the information on the map.

In the discussion of caribou, the DEIS contains a similar statement – that adjacent refuge lands east and west of the State parcel are designated "high density – winter range/migration corridor." Maps included in the Izembek State Game Refuge Plan depict the state parcels as "known winter use and calving use areas." This information is reflected in the map in the DEIS (Figure 3.2-22; pg. 3-153). However, the final EIS should be revised to include information about caribou density in the state parcels.

The DEIS (pg. 4-133) points out that the 41,887 acres of State lands have not been covered by many bird surveys. While we understand that this may be the case, we were surprised to note that in the maps showing distribution for Emperor Goose (Fig. 3.2-10), Brant (Fig. 3.2-10) and Tundra Swans (Fig. 3.2-13) the State parcels are simply labeled "no data available."

While we accept that there may be little specific data available, we are skeptical that no data are available for these parcels. For example, the map for Tundra Swans shows a high density use area directly adjacent to the east of the state parcel and a low density use area to the west. The DEIS even notes that Tundra Swan surveys are conducted each

spring over lands within or adjacent to the Izembek NWR. The Alaska Peninsula Refuge website indicates that it surveys Tundra Swans every five years both inside and outside refuge boundaries. Additionally, we are aware that aerial surveys of waterfowl are conducted regularly along the north side of the Alaska Peninsula. We suggest that data sources be reviewed more closely and any relevant data for these parcels included in the final EIS.

We appreciate the opportunity to comment on this important project and land exchange. The Commission believes that this road project can be constructed and managed to minimize any adverse impacts to the Izembek National Wildlife Refuge, the Izembek State Game Refuge and the important resources they were created to protect and conserve.

Sincerely,



Stan Leaphart
Executive Director

Cc: Gov. Sean Parnell
Sen. Lisa Murkowski
Sen. Mark Begich
Congressman Don Young