

Committee on Natural Resources

Rob Bishop, Chairman
Markup Memorandum

June 20, 2017

To: All Subcommittee on Federal Lands Members

From: Majority Committee Staff– Brandon Miller
Subcommittee on Federal Lands (x6-7736)

Mark-up: **H.R. 218 (Rep. Don Young)**, To provide for the exchange of Federal land and non-Federal land in the State of Alaska for the construction of a road between King Cove and Cold Bay.
June 22 & 27, 2017; Room 1324 Longworth HOB

H.R. 218 (Rep. Don Young), “King Cove Road Land Exchange Act”

Summary of the Bill

H.R. 218 (Rep. Don Young), introduced on January 3, 2017, authorizes a land exchange to facilitate the construction of a road linking the City of King Cove (a recognized Alaska Native Village) and the City of Cold Bay, the location of a modern airport. The bill authorizes an equal value land exchange, transferring up to 43,093 acres of Alaska State land to the Department of the Interior (DOI), to be added to the Izembek National Wildlife Refuge as designated Wilderness. In return, the State of Alaska will receive 206 acres of federal lands for the construction of an 11-mile, gravel, one-lane, non-commercial road segment that will connect existing roads on both sides of the refuge. The corridor would account for approximately 0.06 percent of the 315,000-acre Izembek National Wildlife Refuge. Currently, 131 acres of the proposed 206 acre project are designated as Wilderness.

Background

The communities of King Cove and Cold Bay are located at the far west end of the Alaskan Peninsula, 625 miles southwest of Anchorage. King Cove is especially remote, linked to the outside world by a small gravel airstrip and a harbor. In the winter, harsh weather conditions and gale-force winds routinely ground planes and prohibit sea travel, preventing the community of nearly 1,000 from accessing hospitals and other emergency services. This has resulted in a number of fatal accidents over the years, with evacuation from the King Cove sometimes taking days due to the extreme weather. As a result, residents of King Cove seek a public road to the larger, more modern airport twenty miles away in Cold Bay, which serves as the regional transportation hub and a site for medical evacuations to fully staffed hospitals outside the region. Important to this bill, Cold Bay originated as World War II- era military base,

and as a result has a sizable network of roads and infrastructure surrounding the community, some of which currently exist on the surrounding Wilderness and Refuge areas.¹

Between the two communities lie both the Izembek National Wildlife Refuge and a section of the Alaska Peninsula National Wildlife Refuge, two small components of Alaska's nearly 59 million acres of designated wilderness. The Izembek National Wildlife Refuge was originally established as a Wildlife Range by an Alaska Public Land Order in 1960, and then was later converted to a Wildlife Refuge with the Alaska National Interest Lands Conservation Act (ANILCA) in 1980.² Additionally, the Alaska Peninsula National Wildlife Refuge was also designated with ANILCA's passage. Both Refuges serve as important feeding grounds for migratory birds, with nearly the entire population of three separate species of geese returning to the Reserves each autumn.³

King Cove community leaders have been seeking a road linking the two towns for nearly four decades.⁴ Major legislative action began in the 105th Congress, with then House Resources Committee Chairman Don Young introducing H.R. 2259, *The King Cove Health and Safety Act*, to facilitate a major land exchange between the State of Alaska and the Fish and Wildlife Service (FWS). Despite similar legislation passing the Senate on a 59-38 vote, no House action was taken due to opposition from the Clinton White House and pushback from environmental groups.⁵ Ultimately, Congress provided \$37.5 million dollars in additional funding to the community of King Cove to fund the construction of a hovercraft terminal and local medical facility, as an alternative to constructing a road through the Wilderness area.⁶ However, despite the additional funding, the hovercraft workaround only served to be a temporary fix, with services only operating between 2007 and 2010 and eventually ceasing due to extreme operating costs and the inability to handle rough weather conditions.⁷ In the 110th Congress, Representative Young again introduced legislation, H.R. 2801, to facilitate a land swap between the State of Alaska and FWS. The bill was reported out of Committee but no Floor action was taken.

Headway was made in 2009, when Congress passed the *Omnibus Public Land Management Act* (Public Law 111-11), which authorized the Secretary of Interior to determine if building the proposed road would serve the public interest. Accordingly, FWS conducted an Environmental Impact Statement (EIS) and released the final EIS in February 2013. The Final

¹ The Aleutians East Borough, "King Cove Road Fact Sheet," updated February 1, 2017. http://www.aleutianseast.org/vertical/sites/%7BEBDABE05-9D39-4ED4-98D4-908383A7714A%7D/uploads/Fact_Sheet_-_King_Cove_Road_Issue.pdf

² The U.S. Fish and Wildlife Service, Izembek National Wildlife Refuge. "About the Refuge," updated July 24, 2013. <https://www.fws.gov/refuge/Izembek/about.html>

³ The U.S. Fish and Wildlife Service, Alaska Peninsula Wildlife Refuge. "About the Refuge," updated July 24, 2013. https://www.fws.gov/refuge/Alaska_Peninsula/About.html.

⁴ The Aleutians East Borough *op. cit.*, Pg. 2.

⁵ Warrick, Jo. "King Cove's Relentless Road War," *The Washington Post*, May 27, 1998. Accessed March 30, 2017. https://www.washingtonpost.com/archive/politics/1998/05/27/king-coves-relentless-road-war/08d3b248-d85a-4876-be07-a83bf1008de3/?utm_term=.a4b7bf2663ff

⁶ The Wilderness Society, "History of the Proposed Road Through Izembek National Wildlife Refuge," updated April 16, 2016. <http://wilderness.org/sites/default/files/Timeline%20-%20History%20of%20the%20Proposed%20Road%20Through%20Izembek%20National%20Wildlife%20Refuge.pdf>

⁷ The Aleutians East Borough *op. cit.*, Pg. 1.

EIS outlined five alternatives: two road construction alternatives; one hovercraft improvement alternative; one harbor improvement alternative; and the preferred alternative, no action.⁸

Following the release of the final EIS, then Secretary of the Interior Ken Salazar directed the incoming Secretary of the Interior Sally Jewell to hold an official meeting in King Cove prior to making a final decision on the EIS. As a result, Secretary Jewell visited King Cove in September 2013, but ultimately decided to reject the land swap and uphold the FWS's preferred no action alternative.⁹ The King Cove Tribes, the City of King Cove Corporation, and the Aleutians East Borough sued the Department of the Interior (DOI) and Secretary Jewell as a result of the decision, but in 2015 the Alaska District Court ruled that neither DOI nor Secretary Jewell violated the National Environmental Policy Act (NEPA) or the Omnibus Public Lands Management Act (OPLMA) in the decision-making process.¹⁰

Need for Legislation

Despite the funding for the hoverport and the medical facility, the fact remains that King Cove is physically isolated from the outside world in the event of severe weather. 55 emergency medevacs have been required since Secretary Jewell's visit in 2013, a number of which have required either costly Coast Guard involvement, extended patient waiting times, or both. For instance, in 2016, a King Cove woman in her 70's suffering from heart issues was evacuated from King Cove to Cold Bay by the Coast Guard after high winds prevented an air ambulance from landing at King Cove. In the end, it took the woman over *seven hours* to reach a hospital in Anchorage. A road between King Cove and Cold Bay would go a long way from preventing similar situations from reoccurring, and would provide a potentially life-saving evacuation route for King Cove citizens in the event of an emergency.¹¹

Major Provisions

- Authorizes an equal value exchange of all right, title, and interest in land between the Secretary of the Interior and the State of Alaska within 180 days after the enactment of this bill.
- Up to 43,093 acres of non-federal lands owned by the State of Alaska shall be transferred to the Department of Interior in exchange for 206 acres of federal lands.

⁸ The U.S. Fish and Wildlife Service, "Chapter 2: Alternatives," in Izembek National Wildlife Refuge Land Exchange/Road Corridor Final Environmental Impact Statement. Updated February 6, 2013.

<https://www.federalregister.gov/documents/2013/02/06/2013-02618/final-environmental-impact-statement-izembek-national-wildlife-refuge-proposed-land-exchangeroad>

⁹ U.S. Department of the Interior, "Press Release: Secretary Jewell Issues Decision on Izembek National Wildlife Refuge Land Exchange and Road Proposal." Updated April 26, 2016. <https://www.doi.gov/pressreleases/secretary-jewell-issues-decision-on-izembek-national-wildlife-refuge-land-exchange-and-road-proposal>

¹⁰ The Aleutians East Borough *op. cit.*, Pg. 2.

¹¹ The Aleutians East Borough, "King Cove Optimistic President-elect Donald Trump and Interior Secretary Nominee Ryan Zinke Will Get Community their Life-Saving Road." Updated December 23, 2016.

http://www.aleutianseast.org/index.asp?SEC=4625D388-43A1-4E17-A354-F5F12E4E7205&DE=03B2B87B-ECDB-4CDB-9183-D464FFFB6040&Type=B_PR

- Requires that the Federal Land conveyed to the State of Alaska shall be used for the purposes of designating a road corridor through the Izembek National Wildlife Refuge, and constructing a single-lane gravel road along the road corridor.
- The route will follow the southern road alignment as described in the alternative entitled ``Alternative 2-Land Exchange and Southern Road Alignment" in the final environmental impact statement
- Stipulates that the construction of the road shall not constitute a major federal action, and thus would waive an additional environmental impact review under the National Environmental Policy Act of 1969.

Administration Position

The Administration's position on H.R. 218 is unknown at this time.

Anticipated Amendments

None

Cost

A Congressional Budget Office cost estimate has not yet been completed for this bill.

Effect on Current Law

None