

**TESTIMONY OF H. DALE HALL, DIRECTOR, U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE U.S. HOUSE OF REPRESENTATIVES NATURAL RESOURCES COMMITTEE, REGARDING H.R. 2801, THE “IZEMBEK AND ALASKA PENINSULA REFUGE AND WILDERNESS ENHANCEMENT AND KING COVE SAFE ACCESS ACT”**

**October 31, 2007**

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Chairman Rahall, Ranking Member Young, and Members of the Committee, I am H. Dale Hall, Director of the U.S. Fish and Wildlife Service (Service), and I appreciate the opportunity to testify today on H.R. 2801, the “Izembek and Alaska Peninsula Refuge and Wilderness Enhancement and King Cove Safe Access Act.” This Act would convey land from the Izembek National Wildlife Refuge to the State of Alaska for the purpose of constructing a road, and would convey other non-Federal lands to the Izembek and Alaska Maritime National Wildlife Refuges and designate a portion of those additions as Wilderness.

When evaluating proposals such as the one outlined in H.R. 2801, we must ensure that any change in the public estate improves the ecological and social values available to the public. In that spirit, the Administration could support H.R. 2801 if it is amended to ensure that a full National Environmental Policy Act (NEPA) analysis of the proposed exchange is required, including an analysis of the impacts of the road through Izembek National Wildlife Refuge. The NEPA analysis would provide a full disclosure of the impacts and benefits of the exchange and allow for public input into the decision-making process. The Service is currently reviewing the proposal to assess the potential benefits, values, and costs to wildlife and wilderness areas. These efforts will help inform the NEPA process. Additionally, we have identified some technical issues in the legislation that we believe must be addressed.

**Background**

The communities of King Cove and Cold Bay are located in the westernmost region of the Alaska Peninsula. These communities are accessible only by sea or air. King Cove and Cold Bay are separated by less than twenty miles, but there is no road between the two communities. For many years the residents of the Aleutians East Borough and King Cove have advocated building a road between King Cove and Cold Bay, across the Izembek Refuge and Wilderness for both transportation accessibility and safety. Until last year transportation options between the communities were limited to private boats and commuter air service. Residents believe that the area’s stormy weather makes these modes of transport unsafe, especially during medical emergencies when rapid transport to Anchorage hospitals requires reaching Cold Bay’s all-weather airport.

In 1997, legislation was introduced in, but did not pass, the House and Senate that would have resulted in construction of a road through the Izembek Refuge and Wilderness to address critical health and safety needs of the King Cove community. To address these

needs, Congress appropriated \$37.5 million for a compromise in the Fiscal Year 1999 Consolidated Appropriations Bill that addressed the critical health and safety needs while avoiding building a road through the Izembek Refuge and Wilderness. Specifically, \$20 million was provided to construct a road-hovercraft link between King Cove and Cold Bay, \$15 million was for improvements to the King Cove airstrip, and \$2.5 million was for a major renovation of the King Cove health clinic. The State of Alaska determined that King Cove's location in a valley prevented improvements to the airport to accommodate jets. Roughly \$9 million of the funds were then spent on a hovercraft and additional funds were directed to the road.

In 2006, the Aleutians East Borough constructed a one-lane gravel road from the King Cove airstrip to a temporary hovercraft dock four miles away where a hovercraft now carries up to 49 passengers, an ambulance, and cargo to and from Cold Bay. An additional 14 miles of road beyond the temporary hovercraft dock have been completed or are under construction. The road does not extend into the Izembek Refuge or Wilderness, a requirement of the 1999 legislation providing the funding for the road. This marine-road system was the preferred alternative evaluated in a 2003 Final Environmental Impact Statement completed by the Army Corps of Engineers. That FEIS, which contained a partial analysis of a road only alternative, concluded that impact intensities for the road only alternative varied from negligible to significant.

After six months of training and practice runs, on August 7, 2007, the hovercraft known as the Suna-X began its commercial service runs between King Cove and Cold Bay. King Cove residents, however, continue to seek a road linking their community with Cold Bay due to concerns about the reliability of the hovercraft in severe weather and uncertainty about future funding for the operational costs associated with the hovercraft.

The Administration recognizes the legitimate needs of Alaska residents to have access to medical, dental, and other health care. At the same time, we must also fulfill our obligation to the American public to ensure that any decisions we make regarding lands held, and resources managed, in the public trust are decided in the best interests of the American public. I have personally visited Izembek Refuge and its significant wildlife values, and have flown over the areas being proposed for conveyance; I have met with the residents of King Cove and Cold Bay and discussed this issue with them.

### **Izembek National Wildlife Refuge**

At approximately 315,000 acres, Izembek National Wildlife Refuge is the smallest and one of the most ecologically unique of Alaska's refuges. Most of the Refuge, about 300,000 acres, was designated as Wilderness in 1980 under the Alaska National Interest Lands Conservation Act. Izembek is internationally renowned for having some of the most striking wildlife diversity and wilderness values in the northern hemisphere.

At the heart of the Refuge is the 150-square mile Izembek Lagoon. The lagoon and its associated state-owned tidal lands have been protected by the State of Alaska since 1960 as the Izembek State Game Refuge. Here, shallow, brackish water covers one of the

world's largest beds of eelgrass, creating a rich feeding and resting area for hundreds of thousands of waterfowl. Virtually the entire world's population of Pacific black brant, Taverner's Canada goose, and emperor goose inhabit the lagoon each fall. Steller's eiders, a species listed as threatened under the Endangered Species Act, molt and winter in Izembek and Kinzarof Lagoons.

In addition, the corridor between Izembek and Kinzarof Lagoons, through which the road proposed by this legislation would extend, is heavily used as a migration route and winter habitat for the Southern Alaska Peninsula caribou herd. Steller's eiders and sea otters, listed as threatened species, Pacific black brant, emperor geese and harlequin ducks use Izembek and Kinzarof Lagoons extensively.

To date, the Department of the Interior and the Service have opposed proposals to build a road through the Izembek Refuge and Wilderness because of the impact on wilderness values and biological resources within the refuge. Over the last year and a half the Service has met numerous times with representatives of the State of Alaska, the Aleutians East Borough, and the King Cove Corporation to discuss various interests in lands that now comprise the acreage described in H.R. 2801. The bill offers more than 61,000 acres in exchange for 1,600 acres of National Wildlife Refuge lands. Of that, more than 41,000 acres would be exchanged to make up for 206 acres of wilderness lands. These proposals would offer approximately 38 acres for every acre of wetlands and wildlife habitat, and over 200 acres for every acre of wilderness exchanged.

### **Technical Considerations**

We have reviewed H.R. 2801 and identified a number of technical provisions we believe warrant further attention from the Committee as it considers this bill. For example, we encourage the Committee to review and amend the bill to remedy legal deficiencies or conflicts with established federal land laws such as sections 22(g) and 22(i) of the Alaska Native Claims Settlement Act and the wilderness withdrawal provisions of the Alaska National Interest Lands Conservation Act. Additionally, we note the need for a number of technical corrections concerning characterizations of ownership and management status of lands in the vicinity of the proposed road corridor, as well as various acreage figures provided in the bill. We would also be glad to provide you with more information on the lengthy and inclusive public involvement process leading to the 1980 designation of Wilderness within the Izembek National Wildlife Refuge.

Moreover, we have significant concerns about Section 4 of the bill, which would provide for immediate reconveyance of the 61,723 acres of non-federal lands back to non-federal ownership if a court injunction prohibits construction of the road or the State or King Cove Corporation determine that the road cannot be feasibly constructed or maintained. As written, this provision shifts the risks of the road project largely to the public trust. In the event of this reconveyance there is no provision for a similar reconveyance of the road corridor back to federal ownership, nor is there provision for mitigation or rehabilitation of lands damaged by incomplete construction activities. Additionally, we are concerned about the timeline for which the Secretary must complete a cooperative

planning process; we need to better understand the compatibility and construction authorization provisions of the legislation; and treatment of new and existing King Cove Corporation roads provisions. We hope our continuing review will assist in this understanding.

We are happy to meet with your staff to discuss these issues in further detail.

### **Conclusion**

In conclusion, I look forward to working with you as you move forward on this important issue. The Administration could support passage of this legislation if it were amended to ensure a full NEPA analysis on the exchange. We have also identified a number of technical changes and issues with the bill that we would like to work with you on, as well. I appreciate the opportunity to be here today and am happy to answer any questions you may have.