Statement of
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before the
Senate Energy and Natural Resources Committee
Hearing to conduct oversight on options for addressing the continuing lack of
reliable emergency medical transportation for the isolated community of King Cove, Alaska

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Good Morning Chairman Murkowski, Ranking Member Cantwell and members of the Committee. I am Nicole Whittington-Evans, Alaska Regional Director of The Wilderness Society. I appreciate the opportunity to testify before the Committee today, April 14th, 2016, regarding options for reliable transportation for the village of King Cove, Alaska and the Izembek National Wildlife Refuge and Wilderness Area. The Wilderness Society has been a strong advocate of the National Wildlife Refuge System and Wilderness areas, including the Izembek National Wildlife Refuge. TWS supports the effort to find transportation solutions that meet the needs of King Cove while protecting the internationally significant wildlife and wilderness values of the refuge. I appreciate the opportunity to share some of our views with you here today.

I offer this testimony on behalf of The Wilderness Society (TWS), an organization with over 700,000 members and supporters, including members in Alaska who care about how the Izembek National Wildlife Refuge and Wilderness Area is managed. I have worked for The Wilderness Society's Alaska office for over eighteen years, and have been engaged in the Izembek National Wildlife Refuge issue since 1998.

Thirteen conservation organizations sent a letter to this Committee this week stating opposition to a road and land exchange for the purposes of building a road between the two small communities of King Cove and Cold Bay. The letter has been submitted for the record and is attached to this testimony. Such a road would be incompatible with the primary purposes of the Izembek National Wildlife Refuge and would fragment the ecological heart of the Refuge, violating the very foundation of its congressionally designated Wilderness and placing at risk the integrity of its internationally vital wetlands habitat.

My testimony addresses the following topics: 1) Globally significant wetlands and wilderness values of the Izembek National Wildlife Refuge; 2) The 1964 Wilderness Act and Izembek's Wilderness designation; 3) The impacts of a road through designated Wilderness in the Izembek National Wildlife Refuge; and 4) Non – Road Alternatives.

I. Globally Significant Wetlands and Wilderness Values of the Izembek National Wildlife Refuge

Alaska's Izembek National Wildlife Refuge is a national treasure. Hundreds of thousands of migratory birds and waterfowl, seals, sea otters, caribou, wolves and grizzly bears depend on the wetlands, tundra, streams, and tidal areas to reproduce and feed. Almost the entire world's population of Pacific Black Brant stop at the refuge during their spring and fall migrations to rest and feed on the eelgrass beds.

In 1980, Congress established the Izembek National Wildlife Refuge and Wilderness as part of the Alaska National Interest Lands Conservation Act to safeguard the refuge's extraordinary value. The Izembek refuge was established to protect the Pacific black brant and its habitat along with other migratory waterfowl and other birds.

At the center of the 417,533-acre Izembek National Wildlife Refuge are two lagoons, the Izembek and Kinzarof. These lagoons are separated by a narrow isthmus just three miles wide. Combined, the lagoons, their immediate watersheds, and the isthmus—the Lagoons Complex—make up the ecological heart of the refuge. More than 200 species of wildlife and nine species of fish can be found on the Refuge.

The Izembek/Kinzarof Lagoons Complex has been repeatedly recognized internationally for its global significance. Specifically, the refuge was:

- Identified under the RAMSAR Convention in 1986 and was the first wetlands area in North America on the List of Wetlands of International Importance;
- Included as a Marine Protected Area in order to provide lasting protection for this Lagoon Complex;
- Recognized as an Important Bird Area (IBA) of global significance in 2001 by Birdlife International in partnership with National Audubon Society;
- Listed as a Sister Refuge with Russia's Kronotskiy State Biosphere Reserve in 1991 through a U.S. – Russian Governmental Agreement on Cooperation in Environmental Protection; and
- Celebrated as globally significant for its habitat value and role in biodiversity protection by World Wildlife Fund (WWF) and The Nature Conservancy (TNC).

The refuge also qualifies as a Western Hemispheric Shorebird Reserve Network Site. Izembek National Wildlife Refuge is best known for its world-class waterfowl and shorebird habitat. The Lagoons Complex provides breeding, molting, nesting, refueling, staging and resting grounds for:

- virtually the entire world's populations of Pacific black brant (~100,000) and Emperor geese (~55,000);
- a significant portion of the world's Steller's eiders (~ 80,00 – 100,000), including Alaska's population, estimated to contain 500 breeding adults (listed as threatened under the Endangered Species Act in 1997); and
- many other migratory and resident waterfowl, including Pacific golden plovers, rock sandpipers, dunlins, ruddy turnstones, semipalmated plovers, western sandpipers and Izembek tundra swans, which are the only essentially non-migratory breeding population in North America.

The Izembek/Kinzarof Lagoons Complex is important for so many bird species due to the presence of some of the world's largest eelgrass beds. More than 98 percent of the world's Pacific black brant converge on Izembek Lagoon each year to feed on the eelgrass in preparation for their 3,300 mile, 55 hour non-stop flight to wintering grounds in Mexico. The birds feed on eelgrass for approximately eight weeks before their long flight south that usually begins in early November. Brant fly back and forth between the lagoons to forage, and use freshwater lakes on the isthmus. Emperor geese use Kinzarof Lagoon while often foraging in the upland tundra area for crowberries; and the endangered Steller's eiders also use Kinzarof Lagoon. Emperor and Canada geese rely on the eelgrass in the lagoons for nutrients as do invertebrates, and marine mammals.

In addition, the narrow isthmus between Izembek and Kinzarof Lagoons is a crucial travel corridor—the only path between the east and west sides of the refuge—for wide-ranging species such as bears, caribou, and wolves. The Alaska Peninsula Caribou Herd, a population that declined from about 10,000 to fewer than 1,000 in the last 10 years, and is now growing, uses the isthmus as the only migration corridor between calving and wintering grounds. The isthmus is also an important winter foraging area for these animals. Moreover, the caribou are known to spend the entire winter on the isthmus.

Some of the highest densities of brown bears on the Lower Alaska Peninsula are found in the Joshua Green River Valley of the Izembek refuge, an area within three miles of the isthmus and proposed road corridor. Low levels of human disturbance have helped maintain the high habitat value of this area for brown bears. Bears use the isthmus frequently to forage and roam in their search for food, as do other furbearers. Harbor seals, sea otters, Steller's sea lions, and whales frequent the productive waters within and surrounding the refuge. Sea otters, seals, and sea lions spend time along the coast and in the lagoons. Both sea otters and Steller's sea lions are listed as Threatened under the Endangered Species Act.

In sum, the Lagoon Complex comprises vital, high quality habitat for many species. Degradation or loss of this habitat complex cannot be mitigated by offering distant uplands or areas not used by those species. Population declines would likely occur in many species that rely on this habitat complex. Such losses may be substantial.

As a long-time resident of Alaska, I have been fortunate to visit many of the special places that characterize the beautiful, wild landscapes and spectacular wildlife habitat of Alaska. I have been fortunate enough to spend time at the Izembek Refuge and see firsthand the lands and waters of this renowned wilderness landscape and internationally important wetland. I have walked in the wilderness and seen the narrow peninsula where the proposed road would be constructed. From this vantage point, I have seen both the Izembek and Kinzarof Lagoons (the Lagoons Complex). In between these lagoons are rolling hills and valleys of soft, spongy and fragile tundra dotted by abundant marshes, lakes and pools of water. I also have been fortunate to fly two times over the refuge and the state and King Cove Corporation lands proposed for exchange analyzed in the U.S. Fish and Wildlife Service 2013 Final Environmental Impact Statement (FEIS).

While visiting Izembek Refuge, I witnessed the Lagoons crowded with Pacific black brant, Emperor geese, and the threatened Steller's eider. I have seen caribou and other wildlife in the refuge. A local expert described to me the wildlife that use the isthmus as a travel corridor, foraging area and home in vivid detail. I could picture the caribou, wolves, grizzly bears, fox and other wildlife that use the isthmus as a travel corridor, hunting zone and home during winter or summer. I testify today that the Izembek National Wildlife Refuge is one of the most vital and extraordinary wildlife areas in the world.

II. The 1964 Wilderness Act and Izembek National Wildlife Refuge's Designated Wilderness

The founders of The Wilderness Society came together in the 1930's because of their passion for wild landscapes and their growing concern over the potential loss of America's wildlands -- spurred on primarily by road construction and automobiles penetrating frontier country at that time. They brought together principles, credible science, bold advocacy and unswerving vision to develop conservation policy and also established a new conservation organization, The Wilderness Society, in 1935. Their foresight, actions and determination launched a land protection movement that ultimately led to the passage of the 1964 Wilderness Act. Howard Zahniser, a Governing Council member of The Wilderness Society, was the principal author of the Wilderness Act. Passage of the Act designated 9 million acres of federal Wilderness and

started a Wilderness Preservation System on federal lands that now encompasses 757 wilderness areas totaling nearly 110 million acres in 44 states.[1]

Wilderness protected lands, as defined in the 1964 Wilderness Act, are afforded the highest level of protections of any lands in the nation, as there are no roads or industrial developments allowed in designated wilderness areas. The Wilderness Act protects lands in their natural state and the Act defines wilderness in the following way:

> *A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.*[2]

The very purpose of Wilderness designation is to ensure that important areas remain wild and intact - free of roads and industrial development.

The 1980 Alaska National Interest Lands Conservation Act provided some exceptions to designated Wilderness and the Wilderness Act, by allowing for the continuation of human presence and certain activities within designated Wilderness Areas in Alaska, including certain structures and motorized uses, among other items, vital for Alaskan communities still living a subsistence way of life[3]. However, outside of these exceptions, ANILCA Wilderness lands must still comply with the Wilderness Act. Thus roads and other industrial development are not allowed in ANILCA Wilderness.

The Izembek National Wildlife Range, which identified the Izembek Lagoons Complex as a premier ecological reserve, was first established in 1960. In 1980, ANILCA re-designated the Range the Izembek National Wildlife Refuge and also designated 300,000 acres of the refuge as Wilderness. The purposes of the refuge, as identified in ANILCA 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 salmonids;

[1] http://www.wilderness.net/NWPS/stateViewStatic?state=ak&map=ak
[2] http://www.wilderness.net/nwps/legisact#2, section, I.c.
[3] https://www.congress.gov/bill/96th-congress/house-bill/39

(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 manner consistent with the purposes set forth in paragraph (i), water quality and necessary water quantity within the refuge." (94 Stat. 2391 P.L. 96-487 §303(3)(B))

The U.S. Fish and Wildlife Service is required to manage the Izembek refuge to maintain the fish and wildlife populations in their natural diversity, fulfill international fish and wildlife treaty obligations, provide for the continuation of subsistence uses by local residents, and ensure water quality and quantity within the refuge.

During one of my visits to the Izembek Refuge, I read through the historical files that chronicled the extensive outreach during the 1970s to State officials and policymakers, the Alaska media, and the public. I reviewed many of the comments submitted regarding what was then proposed Wilderness. The files show overwhelming support for the Wilderness, including a letter from the Governor of Alaska. In total, ten years transpired from the time the Izembek wilderness was proposed to the time Congress granted Wilderness designation to the refuge. That decade-long process included town meetings, hearings, debates, numerous editorials and opinion pieces, outreach to multiple Native organizations, and state, federal, and joint governmental proposals spanning several Congressional sessions. All this outreach and discussion provided ample time and opportunities for public discourse and final decisions, eventually leading to the comprehensive 1980 Alaska National Interest Lands Conservation Act (ANILCA). The decade of public debate and meetings held prior to the Congressional designation of these vital lands as Wilderness, ensured that qualified lands were added into the Wilderness Preservation System, important watersheds were permanently protected, and known conflicts were addressed

Historical Context and Background:

The U.S. Fish and Wildlife Service has provided information regarding a proposed road connecting the communities of King Cove and Cold Bay since the 1960's[4]. However, throughout the decade of public discussion leading up to the passage of ANILCA, interest in a road between King Cove and Cold Bay did not surface as a significant issue. The record shows that one person posed a question about a road at the Cold Bay wilderness hearing in 1970, which was cordially addressed by an official. Throughout the many House and Senate hearings leading

[4] U.S. Fish and Wildlife Service, Record of Decision, Izembek National Wildlife Refuge, Land Exchange/Road Corridor, Final Environmental Impact Statement December 23rd, 2013.

to the passage of ANILCA, the road issue was not raised nor was it advocated for by the members of the Alaska Congressional delegation. The first time a road was substantively discussed in a planning process as a possible transportation link between the two towns occurred during the 1985 Bristol Bay Cooperative Management Plan studies and planning sessions, circa 1982-83. The detailed analyses in that plan made clear that such a road would be incompatible with the purposes for which Izembek NWR had been established, adding that it would cause significant, long-term, ongoing and irreparable damage to important fish, wildlife, habitat and wilderness values of the refuge. That analysis and discussion was authored by several U.S. Fish and Wildlife Service biologists and then approved and supported by their Alaska Regional Director. From that time to today, the compatibility determinations, descriptions and conclusions regarding the impacts of building a road between the two towns has remained essentially unchanged. On many occasions and in many published and circulated documents, the FWS has consistently declared any such road and its construction through the refuge to be incompatible with the refuge and extremely damaging. There has been no change in those findings and conclusions to this day.

Congress also has directed more than once that a road not be built through Izembek's Lagoons Complex. When Congress initially designated Wilderness in the Izembek Refuge, Congress directed that the area remain wild and untrammeled. When the road issue was brought before Congress in 1997 and 1998, Congress determined that the road was not in the public's interest and rejected the road. Instead, Congress passed the King Cove Health and Safety Act, which addressed King Cove residents' health and safety concerns by providing $37.5 million to upgrade King Cove's medical facilities, improve the airstrip in King Cove, purchase a hovercraft, construct marine terminals in King Cove and Cold Bay, and build an unpaved road between the town of King Cove and the connecting marine terminal.

Congress specifically disallowed a road to be built in Izembek's Wilderness in the King Cove Health and Safety Act, and clarified this by using the following language in the Act:

> *(a) . . .In no instance may any part of such road pass over any land within the Congressionally-designated wilderness . . .*
> *(d). . . All actions undertaken pursuant to this section must be in accordance with all other applicable laws.*[5]

[5] 1998 King Cove Health and Safety Act, Section 353.

III. The Impacts of a Road Through Designated Wilderness in the Izembek National Wildlife Refuge

A road through Izembek's designated Wilderness is incompatible with the purposes of Izembek refuge, and would undermine the 1964 Wilderness Act, 1980 Alaska National Interest Lands Conservation Act, 1989 King Cove Health and Safety Act, 1997 National Wildlife Refuge System Improvement Act,[6] which serves as the Organic Act for the National Wildlife Refuge System, and the 2009 Omnibus Public Lands Act, which required a detailed analysis and finding of public interest by the Secretary of the Interior prior to allowing the road and land exchange to move forward. Further, multiple Administrations and Congresses have determined that a road would be incompatible with the purposes of this unique wildlife refuge and not in the public's interest.

Impacts of the Road:

The proposed road would bisect the heart of the refuge – the Lagoons complex - bifurcating its designated Wilderness and fragmenting habitat that is vitally important for wildlife. The proposed road would permanently diminish the value of the congressionally designated Wilderness area. Habitat that supports hundreds of thousands of migratory birds and other terrestrial wildlife, such as brown bear and caribou, would be harmed by a road. Impacts from the road would extend well beyond the road and affect the integrity of the entire refuge. Birds and mammals that use the lagoons, isthmus wetlands, tundra and tidal flats to nest, feed, transit and forage – these are the species that would be hardest hit by road construction, maintenance, and traffic. In particular, Pacific brant, Steller's eiders, Emperor geese, caribou, tundra swans and brown bears would be impacted from road-related ecological impacts and/or increased human access and traffic. Even potentially marine life, such as sea otters, sea lions, seals and whales could experience impacts from a road. A number of these species that would be affected are rare, declining or even listed as Threatened under the Endangered Species Act.

In August 1996 the FWS prepared the King Cove Briefing Report. In an unchanged affirmation of the conclusions of the USFWS in the early 1980's regarding the Bristol Bay Cooperative Management Plan, the Report found that the road alternative is contrary to the purposes of the refuge and foresaw unacceptable environmental impacts if a road were constructed on refuge lands through the designated Wilderness area. The Service supported further study and consideration of other alternatives, such as a marine link, which would provide increased travel safety, economic growth and fewer ecological impacts. Other State and Federal studies of the same period also documented the road as the most destructive and costly alternative and similarly favored the marine ferry concept.[7]

[6] Public Law 105-57

[7] U.S. Fish and Wildlife Service, Izembek National Wildlife Refuge, King Cove Briefing Report, March, 1996.

A June 2003 draft Environmental Impact Statement (EIS), conducted by the Army Corps of Engineers, examined the potential threats of the proposed road from King Cove to Cold Bay. The report stated that there is sufficient information available to conclude that the road alternative, "would not qualify as an environmentally preferable alternative."[8] The report noted that the determination is based in part on the largest footprint (287.0 acres) among the alternatives. The report documented the potential scope of the construction, noting the need for 36.7 acres of placement of fill material in waters of the U.S. including wetlands, of which 2.09 acres are below High Tide Line, and 254 stream and drainage crossings requiring 8 bridges and 19 culverts across fish bearing streams. The document indicated there would be direct, indirect and cumulative impacts on the lands and on wildlife, citing caribou, swans, bears and wolves.

The draft EIS also noted that the road would have the greatest potential of any alternative to adversely affect subsistence harvest due to its potential to displace wildlife and result in the competition of resources between sport and subsistence hunters. The analysis indicated that greater access opportunity could lead to distributional changes in wildlife, such as waterfowl, caribou, brown bear, and wolves, which could lead to reduced availability of subsistence resources. Specifically, the draft EIS stated regarding the road that, ". . . due to increased competition for resources and potential significant impacts to subsistence resources, the impact could be adverse and significant."[9]. The final EIS referenced and incorporated the analysis and findings of the draft EIS.[10].

In 2009, the Omnibus Public Lands Act directed that the U.S. Fish and Wildlife Service undertake a National Environmental Policy Act analysis of a proposed land exchange and road, and that in order for the two to move forward, the Secretary of the Interior would have to make a determination that the road and land exchange are in the public's interest.[11] In 2013, at the culmination of a long Environmental Impact Statement analysis process, the Secretary made no such determination. Rather, the Department of the Interior supported the U.S. Fish and Wildlife Service's sound science and the professional recommendations of the agency again stating that the road would be incompatible with the refuge and Wilderness area and would cause irreparable harm to sensitive wildlife habitat and important wetlands.[12] The Interior Department's final decision was challenged by road proponents in U.S. District Court. The U.S. District Court

[8] U.S. Army Corps of Engineers, King Cove Access Project, Draft Environmental Impact Statement, July, 2003, p. 153.
[9] Ibid., p. 454.
[10] U.S. Army Corps of Engineers, King Cove Access Project, Final Environmental Impact Statement, December, 2003, Executive Summary, p. FES-25
[11] https://www.govtrack.us/congress/bills/111/hr146, Subtitle E, Izembek National Wildlife Refuge Land Exchange, Sec. 6402, (d) (1).
[12] U.S. Department of the Interior, U.S. Fish and Wildlife Service, Record of Decision, Izembek National Wildlife Refuge, Land Exchange/Road Corridor, Final Environmental Impact Statement, December 23, 2013.

upheld the Interior Department's decision in September 2015[13], and the U.S. District Court's decision is now being appealed in the 9Th Circuit Court of Appeals.

The 2013 U.S. Fish and Wildlife Service, Land Exchange/Road Corridor, Final Environmental Impact Statement,[14] concluded that a road would result in significant degradation to irreplaceable ecological resources. The final EIS documented that the uses of the habitat of the refuge by the large number of species that are dependent on the isthmus would be irreversibly and irretrievably changed by a road. The final EIS also concluded that a road would bring increased human traffic, noise, hydrological changes, damage to wetlands, run off, introduction of contaminants and invasive species to the sensitive wetlands complex. Increased human access and activity also would result from the presence of a road, including year-round, increased access radiating from the road by pedestrian traffic and all-terrain vehicles. Indeed, increased all-terrain vehicle use and habitat damage is already occurring as a result of the 17.2 mile road to the northeast corner of Cold Bay being finished. The agency's 2013 final EIS documented that, since the 17.2 mile road to the northeast corner of Cold Bay became passable by all-terrain vehicles, increased, new all-terrain vehicle use and habitat-damaging trails have developed from the endpoint of that road.[15] These trails are of concern, and the agency concluded that the physical impacts caused by increased all-terrain vehicle use on wet soils would have profound, adverse effects on wildlife use and habitats of the narrow isthmus. Increased activity associated with the road would also place a strain on Refuge management personnel while Refuge budgets and capacity are decreasing.

The 2013 final EIS indicated that a road would have major negative effects to Tundra Swans, Brant Emperor geese, and brown bears. These species depend on Izembek's Lagoons complex and provide important subsistence resources. The agency's analysis also indicated that increased human access, hunting pressure and disturbance for birds would occur as a result of the road, causing displacement from feeding or nesting areas.[16] These findings are very significant for the following reasons: 1) Virtually the entire population of the Pacific Brant feed and stage at Izembek before and after their long migrations to and from wintering grounds to the south. Brant are also highly sensitive to disturbance; 2) the Tundra Swan population at Izembek is the world's only non-migratory population, and Tundra Swans use the isthmus for nesting and rearing young. They, too, are highly sensitive to disturbance; 3) Emperor geese, are highly dependent on Izembek's Lagoons complex in winter months, particularly when other feeding areas are frozen. Winter is a critical time for their physical reserves and disturbance from winter use of a road would significantly impact them. Izembek's Joshua Green watershed is an important brown bear natal area and supports the highest densities of brown bears on the Southern Alaska Peninsula. Both habitat and remoteness of the watershed are thought to

[13] http://www.adn.com/article/20150908/federal-judge-sides-interior-secretary-dispute-over-road-through-refuge-0
[14]U.S. Fish and Wildlife Service, Final Environmental Impact Statement, Izembek National Wildlife Refuge Land Exchange/Road Corridor, 2013
[15] Ibid., p. 4-137 and 4-205.
[16] Ibid. FEIS, p. 2-64

contribute to the high density, and increased access and hunting resulting from road access would significantly alter this key brown bear denning and natal area. The analysis concluded that the effects of a road to caribou and other large mammals would be moderate.

Thus, legislating incompatible development in a refuge would set a negative precedent that undermines the 1997 National Wildlife Refuge System Improvement Act mandate, to: "ensure that the biological integrity, diversity and environmental health of the System are maintained for the benefit of present and future generations of Americans."[17] Further, , a road would destroy the very premises and values associated with designated Wilderness. Designated Wilderness areas are areas that are maintained in their natural state and are untrammeled. Any road developed that would bifurcate, fragment and otherwise harm the designated Wilderness of Izembek Refuge would have irreparable and extremely significant impacts to the Wilderness area, effectively destroying it and the intent of the direction Congress provided when Congress designated the area as Wilderness.

Costs of A Road:

In lieu of building a damaging road across the Izembek refuge, the King Cove Health and Safety Act provided a total of $37.5 million dollars to address King Cove's transportation and health and safety needs, with: $20 million directed to go toward a one-lane gravel road, a dock and marine facilities and equipment; $15 million to improve the King Cove airport; and $2.5 million to upgrade the communities medical facilities. Just prior to the completion of a 2003 U.S. Army Corps of Engineers Environmental Impact Study of non-road transportation alternatives for King Cove, Alaska Senator Ted Stevens sponsored a rider on an appropriations bill that directed a 17-mile road be built from King Cove to a hovercraft terminal site in the northeast corner of Cold Bay.[18] Construction of this road began in March, 2004. Nine million of the $20 million dollars provided in the King Cove Health and Safety Act was used to purchase the Suna-X, a state-of-the-art hovercraft, which left $11 million remaining for the dock and one-lane gravel road. This amount was not sufficient to complete the 17.2 mile road that Senator Stevens had legislated, and thus the $15 million originally appropriated in the King Cove Health and Safety Act to upgrade the King Cove airport was redirected to help fund and build the 17.2 mile road. This meant that a total of $26 million of the $37.5 million provided in the King Cove Health Safety Act was used to construct the road. However, this amount still was not sufficient to complete the road, and the road remained partially built but unfinished for a number of years. Between 2010 -2013, an additional $14.5 million dollars was provided to finish the road through the Alaska's State Transportation Improvement Project - 90%, or $13 million, of which came from federal funding,

[18] Section 115 of PL 108–137 (a 2003 appropriations act) says, "The Secretary of the Army, acting through the Chief of Engineers, shall direct construction of Alternative 1 (Northeast Corner) for the project authorized in section 353 of Public Law 105–277 notwithstanding any other provision of law."

[18] Section 115 of PL 108–137 (a 2003 appropriations act) says, "The Secretary of the Army, acting through the Chief of Engineers, shall direct construction of Alternative 1 (Northeast Corner) for the project authorized in section 353 of Public Law 105–277 notwithstanding any other provision of law."

with the remaining funds coming from the State of Alaska[19]. An additional $2 million was received by King Cove for transportation from the 2009 American Recovery and Reinvestment Act[20]. Finally, the 17.2 mile road was finished in 2013. In total, approximately $40 million, or $2.29 million / mile, was spent to build the one-lane, gravel 17.2 mile road to the northeast corner of Cold Bay.

Extending the road through Izembek's Wilderness would cost taxpayers many millions more dollars. Approximately 12.5 miles of new road would need to be built through Izembek refuge designated Wilderness, and an additional 6 miles of road would need to be fully reconstructed to connect to the Outer Marker road that is maintained to the Cold Bay airport. Building a total of 18.5 miles of new or fully reconstructed road, with the majority in challenging wetlands terrain without a local gravel source, would be a very significant expenditure for an outcome that likely would not be fully dependable or safe for travel in inclement weather.

Congress already helped finance one of the most effective modes of transport between King Cove and Cold Bay—a specially designed marine hovercraft-ferry system – and taxpayers have paid over $50 million dollars to resolve King Cove's transportation problems and health and safety concerns. This is a considerable and disproportional investment for a town of approximately 938 people[21]. If another 18.5 miles of road were built, it certainly would be an extraordinary expenditure to accommodate the community.

Proposed Land Exchanges:

After passage of the King Cove Health and Safety Act, a proposed land exchange and road proposal were made public by the Aleutians East Borough and the State of Alaska in 2006. Their proposal renewed efforts to construct the road. The proposed land exchange was offered as a means to compensate or mitigate for any loss of wetlands habitat and Wilderness resulting from the road. However, the lands offered in the exchange did not represent comparable wildlife habitat value, and still do not to this day.

The proposed land exchange would have added acreage to the refuge but not wildlife value. Further, the value of any exchange lands offered would be diminished if the ecological heart of the refuge is degraded. The value of any exchange lands would be made *de minimus* if the negative impacts described by FWS biologists over the last 30 years become reality. The road would sever fragile refuge wetlands, and would harm significant ecological habitats. Construction, operation and maintenance activities would entail filling wetlands, modifying

[19] Alaska Department of Transportation and Public Facilities, 2010 – 2013 STIP, Revision 27 Incorporated, Amendment (Revision 27), Approved by FHWA & FTA, July 28, 2011, Alaska, "King Cove to Cold Bay Corridor,"

[20] http://www.recovery.gov/Transparency/RecoveryData/pages/RecipientProjectSummary508.aspx?AwardIdSur=95169&AwardType=Grants.

[21] https://www.google.com/#q=population+of+King+Cove, 2010 U.S. Census data.

drainages, potential spillages and pollution, dust, noise, on-land barriers and over-land turmoil and disruptions.

The two State townships (approximately 43,000 acres) proposed for exchange in H.R. 4371 to acquire lands through the Izembek refuge designated wilderness, which were analyzed in the 2013 agency Final EIS, would not provide comparable habitat or be able to compensate for the loss or degradation of the wetlands in the Lagoons Complex. Indeed, no amount of exchange lands can compensate for the irreversible impacts a road would have on these globally significant and unique wildlife habitat values. The southernmost state township is entirely uplands, with some bear denning habitat, but virtually no value for waterfowl. The more northern township has some wetlands with viable caribou and brown bear habitat, but is of little value for the many species of waterfowl found in the lagoons and isthmus wetlands complex. The state townships also have no current development threat, and offer minimal conservation benefit. They are located entirely outside the watershed of the Izembek National Wildlife Refuge and will be costly to inventory and administer due to access limitations. It appears as though King Cove Corporation owned lands on the east and west side of Cold Bay, including Mortensen Lagoon, and lands within the Kinzarof Lagoon, which were a part of the exchange proposal between 2006 – 2013 are not included in the text of H.R. 4371. Submitted along with this testimony is a TWS fact sheet that compares the proposed exchange lands offered in the 2009 Omnibus Lands Protection Act.

Alaska Native Stakeholders Oppose the Road

The potential damage to subsistence use is a primary reason that the Association of Village Council Presidents (AVCP), the recognized tribal organizations and nonprofit Alaska Native Regional Corporation for its 56 member indigenous Native villages within Western Alaska, has opposed the King Cove Road. In 1998, the AVCP passed a resolution opposing the road. On October 17, 2007, I received a letter from Myron Naneng, President of the AVCP reaffirming their opposition and citing their interest and concern for the critical habitat of our Pacific black brant that use the area for staging and feeding during their long and treacherous spring and fall migrations. The Waterfowl Committee of the AVCP has reaffirmed their 1998 resolution twice since then during their spring meetings in 2013 and again in 2015. The resolution and other letters from AVCP regarding the proposed road are submitted with this testimony.

The resolution notes that "the people of the Y-K Delta are primary stakeholders of waterfowl, our customary, and traditional use of birds has long been used as part of our diet and culture and because of the destructive development and habitat loss conducted by those areas in the Pacific Flyway throughout the 1960's, 70s, and 80's significantly affect waterfowl populations resulting in curtailing our subsistence hunters and gather's practice."

In June of 2014, Mr. Naneng affirmed the AVCP's opposition to a road in the Alaska Dispatch News. That story can be found here, and is submitted with this testimony. Also, a second

Alaska Native organization, REDOIL - Resisting Environmental Destruction on Indigenous Lands , voted to support AVCP's position on the Izembek road in 2014.

Local Experts Have Opposed the Road Because of Safety and Maintenance Concerns:
Local experts, including two former Cold Bay Mayors, a former Cold Bay EMT and the former Medical Director for the Eastern Aleutians Tribes, have also pointed to maintenance and safety concerns that would be associated with the road. These individuals have provided written testimony to Congress in the past in opposition to the road, citing the dangers of traveling on a road during Aleutian winter storm conditions and the challenges of keeping a road open in these conditions. The Cold Bay area and the isthmus where the proposed road would be located regularly experiences winter storms with gale force winds and ground blizzards. Please refer to the photo attached and submitted with this testimony that illustrates the challenges of keeping a road open during winter storm conditions. Dr. Peter Mjos wrote in a 2013 letter to the Secretary of the Interior about the safety and maintenance challenges of a road in winter storm conditions, stating:

> In such storms Cold Bay cannot maintain for even one hour the flat, paved 10,000 foot runway, much less the community gravel roads. It is inconceivable that the proposed 27 mile road could be passable. Any vehicle or ambulance attempting transit or rescue in such conditions could be suicidal, rescue impossible, rescuers gravelly imperiled.

Submitted with this testimony are some of the letters and testimony from these local experts that convey some of the challenges of the proposed road for medical evacuations.

IV. Non-Road Alternatives

Marine Transportation Links:
Nine million dollars of the original $37.5 million of taxpayer dollars appropriated for King Cove's transportation needs was used to acquire and equip a modern hovercraft, a type of vehicle most often used by commercial and military operators in such conditions as ice floes, mudflats, beaches and tundra. Unique to the hovercraft is its ability to land without a traditional dock or harbor.

The near 100-foot hovercraft operated between 2007 and 2010 and successfully performed 30[22] medical evacuations helping King Cove residents cross the 20 miles across the bay to reach the Cold Bay airport. At that time, the hovercraft, powered by four MTU 2000 diesel engines, was the largest hovercraft ever built in the U.S. The craft seated 49 passengers and vehicles, and

[22] U.S. Army Corps of Engineers, King Cove – Cold Bay: Assessment of Non-Road Alternatives, July 2015, p. 6

could accommodate a fully staffed ambulance. It traveled from Lenard Harbor on the southeast side of Cold Bay to Cold Bay in approximately 17 minutes[23].

U.S. Army Corps of Engineers Report:

The transportation options presented in the 2015 report by the Army Corps of Engineers demonstrate viable alternatives to constructing a road through the Izembek National Wildlife Refuge and Wilderness. At the request of the Department of the Interior, the Army Corps of Engineers assessed three non-road alternatives for medical evacuation from King Cove. These transportation modes include: (1) ice-capable marine vessel, (2) fixed-wing aircraft/new airport, and (3) helicopter/heliport. For each transportation mode, the ACOE assessed at a high level the variations regarding locations, type of equipment and facilities needed, and the costs, risks and dependability of each. Each option was attributed a level of dependability, cost and risk. Of note in the report is that the marine vessel is the most dependable of the options (99.2% or better). The ACOE analysis is a high-level assessment that does not recommend one alternative over another and does not address many significant details of the various options.

A summary Table from the ACOE Report follows, from page ii of the report:

[23] Ibid., p.6.

Table ES-1. Summary of Costs and Operating Factors

	Marine *150-ft ice-capable monohull ferry*			Airport *New airport located NW of Mt. Dutton*		Helicopter *Leased helicopter and crew with dedicated heliport*			
	1a NE Cold Bay Ferry	**1b** Lenard Harbor Ferry	**1c** Direct Ferry (KC-CB)	**2a** 5,000-ft Runway (Learjet)	**2b** 3,500-ft Runway (King Air)	**3a** NE Cold Bay Heliport	**3b** Lenard Harbor Heliport	**3c** Peninsula Heliport	**3d** King Cove Heliport
Life-cycle Costs *(75 years)*									
Capital Cost *($ millions)*	41.8	29.9	39.0	84.0	47.0	2.8	2.8	28.3	2.8
Operations and Maintenance Cost ($)	872,300	925,600	1.14 M	674,700	223,300	2.34 M	2.25 M	2.28 M	2.19 M
Net Present Value *($ millions)*	65.7	56.7	71.9	97.0	49.3	78.3	75.3	99.1	73.6
Operating Factors									
Medevac Time *(hrs)*	3.5	3.7	5.0	2.4	3.0	3.1	2.6	2.7	2.1
Risk Score	2.4	2.4	2.5	2.5	2.6	2.5	2.5	2.5	2.2
Annual Dependability	99.9%	99.9%	99.6%	94.9%	94.9%	82.6%	67.5%	67.5%	70%

Notes:
All costs are shown in 2015 dollars. See main document for explanation of cost estimates.
Medevac time is the elapsed travel time between the City of King Cove and Ted Stevens Anchorage International Airport. See main document for further explanation.
Risk score compiles multiple risk factors on a 1–4 scale (1=low, 2=moderate, 3=serious, 4=high) and averages them. Risk assessment is qualitative. Scoring allows for deriving the average and is not meant to imply precision in quantifying risk. See main document for explanation of methods.
Dependability shown is based largely on wind data thresholds. Other factors affect dependability and may differ between modes of travel. See main document for explanation.

The alternatives to a road identified in the ACOE report, as well as other non-road alternatives, avoid many of the risks and problems associated with a road discussed above .

A comparison of the travel times for a med-evac patient to get from King Cove to Cold Bay by road or non-road options is informative. The July 2015 ACOE assessment indicates, that a ferry from Lenard Harbor would take approximately 1 hour and 20 minutes to Cold Bay, while helicopters and planes take only a matter of minutes. The hovercraft that operated between the two communities between 2007 – 2010 took approximately 17 minutes from Lenard Harbor to Cold Bay[24]. Traveling the entire proposed one-lane gravel road route from King Cove to Cold Bay - approximately 40.5 miles – would take between 90 minutes and two hours in good weather conditions.[25] In bad weather the road could be impassable or take many hours to travel. For true medical emergencies, the fastest travel times between the two communities would presumably be the most desirable.

The analysis conducted by the Army Corps of Engineers confirms what The Wilderness Society, other conservation organizations, local experts and medical professionals familiar with this area have stated for decades: There are viable alternatives to a road through the heart of fragile,

[24]U.S. Army Corps of Engineers, King Cove – Cold Bay: Assessment of Non-Road Alternatives, July 2015, p. 6
[25] U.S. Army Corps of Engineers, December 2003, and King Cove – Cold Bay: Assessment of Non-Road Alternatives, July 2015.

congressionally-designated wilderness that would provide reliable, and in some cases more reliable, and efficient emergency transport for the people of King Cove, while maintaining the integrity of the globally significant Izembek National Wildlife Refuge.

Additional Considerations:

Many remote communities in Alaska struggle with issues similar to King Cove regarding transportation and medical services. It is not clear that King Cove residents are in any more danger than many other Alaskan communities that rely on air transportation. Additionally, King Cove is better equipped than many other remote Alaskan communities to handle medical emergencies because of their state of the art medical clinic and staff. While there has been much mention of the tragic fatalities resulting from airplane crashes near King Cove, thankfully there have not been any since February, 1990. This means that more than 25 years have passed since the last aircraft fatality – a standard TWS certainly hopes will continue forever. The flight safety record of the past 25+ years is no doubt a testament to the skilled pilots and technical flight personnel in the region. Further, in reviewing wind and weather data from the many documents assembled about this issue, it is not clear that King Cove residents are in greater danger than other Alaskan communities that rely on air transportation."[26] While King Cove does not have a full-time physician, it does have a state-of-the-art medical clinic with telemedicine capabilities, a result of the King Cove Health and Safety Act. The medical clinic has a total of 17 staff, including a physician's assistant, making King Cove's clinic better equipped to handle medical emergencies than many in Alaska's remote communities, including Cold Bay.

Conclusion:

For all of the reasons stated above we appreciate the Department of Interior's commitment to find a non-road alternative, and notwithstanding the many solutions it has already invested substantial time into researching and proposing, and we strongly support the Department's 2013 decision to reject a land exchange and road development through the Izembek National Wildlife Refuge and Wilderness area. The U.S. Army Corps of Engineers' 2015 Non-Road Assessment indicates that there are other viable, likely more dependable and efficient alternatives for medical evacuation transport than the proposed road.

Thank you again for the opportunity to testify before the Senate Committee on Energy today.

[26] Wind and weather is available in the following sources: Alaska Department of Transportation and Public Facilities, King Cove – Cold Bay Access Assessment of Transportation Need, 1997; U.S. Army Corps of Engineers, King Cove Access Project, Final Environmental Impact Statement, December, 2003; and U.S. Army Corps of Engineers, King Cove – Cold Bay: Assessment of Non-Road Alternatives, July 2015.