

On July 20<sup>th</sup> the House passed [H.R. 218](#) (248-179). The bill was then sent to the Senate where it was referred to the Committee on Energy and Natural Resources.

The King Cove Road Land Exchange Act would transfer 206 acres of federal land—including 131 acres in the Izembek National Wildlife Refuge—to the state of Alaska in order to build a road through the refuge. An 11-mile single-lane gravel road would connect the King Cove community with the Cold Bay airport so that King Cove residents could reach emergency medical care.

The federal land would be exchanged for 43,093 acres of state-owned land. H.R. 218 requires that the exchanged lands are equal in value. If, after they are appraised, they are not equal in value then Alaska must transfer a greater or lesser amount of state lands, as required to make the transfer equal in value.

After the exchange, the new boundaries of the Izembek Wilderness will exclude the transferred federal lands (with the road) and will include the newly-added state lands. The state lands added to the Izembek Wilderness will be administered under the Wilderness Act of 1964. Excluding the transferred federal lands and road from the Izembek Wilderness avoids the issue of having a permanent road within a wilderness area, which the Wilderness Act broadly prohibits.

Notably, H.R. 218 declares that the land transfer and road construction will not be a “major federal action” under the National Environmental Policy Act. The bill therefore exempts the project from environmental analysis, including the consideration of impacts, mitigation and alternatives. This exemption prevents the road from being potentially stalled or disapproved by the Department of the Interior through the NEPA process, as occurred when Congress previously approved the land exchange in 2009. After Congress approved the land exchange and road through the [Omnibus Public Land Management Act](#) that year, the Fish and Wildlife Service determined that the project was a major federal action and conducted an environmental impact statement to comply with NEPA. After this four-year analysis, the Interior Department determined that the road construction was not justified due to the harm it would cause to the surrounding wilderness. The House’s approval of the road last week and declaration that the road would not constitute a ‘major federal action’ effectively overrides the NEPA process that occurred after the 2009 approval of the process.

Other aspects of the bill and proposed road also trace back to the 2009 Omnibus bill and the resulting environmental impact statement. H.R. 218 refers to the final environmental impact statement entitled “Izembek National Wildlife Refuge Land Exchange/Road Corridor Final Environmental Impact Statement” dated February 5, 2013 to describe the location and

route of the proposed road. In addition, the federal and state land marked for exchange are identified through reference to a September 2012 Project Area Map.

The controversy over the road through the Izembek refuge comes down to the argument that the road is medically necessary for King Cove residents and, on the other side, the argument that the road will destroy wetlands, set dangerous legal precedent, and is financially irresponsible.

Alaska Congressman Don Young, sponsor of H.R. 218, has [argued](#) that the road is necessary to provide emergency medical care to the residents of King Cove. Representative Young states that since 2013, there have been 65 medivacs from King Cove, 17 of which were conducted by the U.S. Coast Guard. Young states that during storms it is dangerous to evacuate individuals that need medical attention with a medivac. Alaska Senator Murkowski also [argues](#) that the road is a medical necessity. Senator Murkowski states that since the Izembek Refuge was created in 1980, 18 people have died in plane crashes or while waiting to be medivaced.

[Twenty-two environmental groups have opposed H.R. 218](#) on the grounds that the land exchange and road construction would cause irreparable harm to the wetland and native wildlife and would set dangerous precedent on wilderness management throughout the United States. The Alaska Wilderness League, Center for Biological Diversity, and Earth Justice, among other groups, specifically argue that the de-designating of wilderness to build a road thwarts the purpose of the Wilderness Act and undermines the integrity of the National Wildlife Refuge System and the National Wilderness Preservation System. The environmental groups also reference that the former U.S. Indian Health Service medical director for King Cove stated that any attempt to travel the proposed road during severe winter storms would be dangerous and clearly jeopardize life.

[The Council for Citizens Against Government Waste](#) also opposed H.R. 218, arguing that the road is not financially justifiable and that the Alaskan Congressional delegation is motivated by private commercial interest to bolster the fishing industry, not by medical necessity.

[Here](#) is the executive summary to the 2013 Environmental Impact Statement and [here](#) is the notice on the federal register for the Final Environmental Statement.

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