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February 12, 2025

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RE: Open comment period on Izembek Land Exchange/Road Corridor draft Supplemental Environmental Impact Statement (FWS-R7-NWRS-2023-0072-7708)

Dear U.S. Fish and Wildlife Service:

This letter concerns a potential land exchange between the U.S. Fish and Wildlife Service (FWS) and King Cove Corporation, as described in a draft Supplemental Environmental Impact Statement (SEIS) released for public comment on November 15, 2024 (reference FWS-R7-NWRS-2023-0072-7708). The draft SEIS describes and analyzes the following proposed action. The FWS proposes to transfer real property interests of the United States to King Cove Corporation. This exchange would allow for construction, operation, and maintenance of a single lane gravel road between the communities of King Cove and Cold Bay, Alaska. The purpose of the road is to provide safe, reliable, year-round transportation between King Cove and Cold Bay for human health and safety and to maintain or increase subsistence opportunities for rural Alaskans. The preferred road alignment is described under Alternative 6.

The Alternative 6 alignment would involve transfer of 484 acres of lands managed as the Izembek National Wildlife Refuge for construction of an approximately 18.9-mile road. This alternative would include 15 material sites and approximately 71 bridges and culverts. Regardless of alignment selected, all road-based alternatives involve transferring Federal lands managed as the Izembek National Wildlife Refuge and congressionally designated Izembek Wilderness to King Cove Corporation, a private entity that operates as a for-profit business. The

specific lands to be transferred vary based on specific road alignment. All road alignments considered in the draft SEIS run along the isthmus between Izembek and Kinzarof Lagoons. Marine-based alternatives have also been identified and analyzed in the draft SEIS.

The Pacific Seabird Group¹ foresees potentially significant, negative impacts to several species of heightened conservation concern should the FWS move forward with a land exchange to accommodate any of the road-based alignments, including Alternative 6. The isthmus between Izembek and Kinzarof Lagoons is a low-lying wetland complex interspersed with upland tundra. This isthmus, situated between the highly productive waters of the Gulf of Alaska and Bering Sea, is hydrologically connected to both lagoons. Together the lagoons, the isthmus, and adjacent wilderness areas provide important habitat for diverse bird life, including the Endangered Species Act-protected Steller's Eider (*Polysticta stelleri*) that molts and overwinters in Izembek and Kinzarof Lagoons in large numbers.

Of particular interest to the Pacific Seabird Group, nesting colonies of Aleutian (*Onychoprion aleuticus*) and Arctic (*Sterna paradisaea*) Terns have been documented in Izembek National Wildlife Refuge, including on the isthmus, historically and in recent years (see Figure 1 and Table 1). Both tern species are of heightened conservation concern, particularly the Aleutian Tern, which is considered Vulnerable throughout its range (BirdLife International 2025). Trend analyses at documented colonies in Alaska indicate the statewide Aleutian Tern population declined 93% during a recent three-decade period (Renner et al. 2015). Dramatic declines have also been observed at large colonies in Russia, the only region outside Alaska where they nest (Renner et al. 2021). The Aleutian Tern Technical Committee (Technical Committee), a working group within the Pacific Seabird Group, was formalized to coordinate data collection and conservation actions for Aleutian Terns in response to the species' alarming apparent decline.

The Technical Committee's highest priority in recent years has been to obtain a current statewide population estimate of Aleutian Terns using standardized methods. As part of a statewide survey effort, in 2024 the Technical Committee comprehensively surveyed the Alaska Peninsula, including refuge lands. The survey identified two nesting colonies on the isthmus between Izembek and Kinzarof Lagoons, in the immediate vicinity of the Alternative 6 road corridor. The survey also identified colonies on refuge lands adjacent to the proposed road corridor, three of

¹ The Pacific Seabird Group is an international, non-profit organization that was founded in 1972 to promote knowledge, study, and conservation of Pacific seabirds. Its membership is drawn from the entire Pacific basin, including the United States, Canada, Mexico, Russia, Japan, China, Australia, and New Zealand. Among its members are biologists who have expertise and research interests in Pacific seabirds, government officials who manage seabird refuges and populations, and individuals who are interested in marine conservation.

these located in designated wilderness. Further, the Technical Committee has records of other colony locations not observed in 2024, including several active in the last five years².

Low-lying habitats of Izembek National Wildlife Refuge, including along the isthmus where road alignments have been delineated, are highly suitable nesting habitat for Aleutian Terns. Aleutian Terns colonies were first identified in this area in 1925 (Murie 1959) and persist to present day. We expect a road embankment that bisects the isthmus will negatively impact the local population of Aleutian Terns through degradation of habitats that currently function in a natural, undisturbed state. Habitat degradation could be exacerbated by other human activities facilitated by road access, including off-road, all-terrain vehicle (ATV) use and an increased network of unsanctioned ATV trails in a previously remote and relatively inaccessible wilderness³.

We are further concerned a road constructed along the isthmus of Izembek National Wildlife Refuge will result in disturbance of Aleutian Terns at nesting colonies. Aleutian Terns are highly sensitive to disturbance (North 2020), and areas relatively free from disturbance are important for their nesting success. In response to human presence, Aleutian Terns are known to abandon nesting colonies and/or may experience significant loss of eggs and chicks (Tengeres 2022, Tengeres et al, *in prep.*). The use of ATVs can cause decreased reproductive success both directly, via accidental crushing of cryptically-colored tern eggs and chicks, and indirectly, via disturbance effects on adults (Berger 1984, USDA Forest Service 2009). We expect anthropogenic disturbance to Aleutian Terns resulting from access to this area would persist and increase through time as a result of activities that include road construction and summer maintenance, material site development and materials processing, road-based vehicular traffic, and increased motorized and non-motorized human access to and activities on refuge lands. Anthropogenic disturbance to Aleutian Terns at their nesting colonies can result in permanent colony abandonment. Construction of a road might also result in increased harvest pressure on the local Aleutian Tern population. The Alaska Subsistence Spring/Summer Migratory Bird Harvest Regulations allow harvest of Aleutian Terns and their eggs throughout most of the state, and harvest of this species does occur in several regions of Alaska (North 2020). The Pacific Seabird Group supports and respects the traditional use of seabirds by Alaska Natives. However, we are concerned that the additive effects of habitat degradation, anthropogenic disturbance, and

² The draft SEIS stated, “Aleutian and Arctic Terns have been seen nesting at the Izembek Lagoon, but not much is known about their abundance and distribution” (section 3.1.4.17, page 3-200). Further, the “tern nesting habitat” described in the draft SEIS was too narrowly defined. Please note the species may nest in wet meadows and on upland tundra, vegetated islands in small ponds, and on sandy spits or islands associated with river estuaries (North 2020).

³ The draft SEIS notes, even with proposed mitigation measures that could include a road barrier, increased all-terrain vehicle (ATV) use off the road system can be expected.

increased harvest pressure could lead to colony-wide failure and abandonment throughout the impacted area, and this might negatively affect species persistence in this region.

The draft SEIS identifies a third purpose of the land exchange is to increase the overall conservation value of lands preserved in the National Wildlife Refuge System. However, a land exchange to establish a road corridor through the isthmus between Izembek and Kinzarof Lagoons seems to be inconsistent with the purposes for which Izembek National Wildlife Range and later the Izembek National Wildlife Refuge and the Izembek Wilderness Area were established. Furthermore, lands to be transferred from and to Federal ownership are not equivalent habitat types (as measured by vegetation type and/or wetland classification) and are not equal in function and value. The unique value of the area of concern is recognized through multiple designations:

- This area was first Federally protected with establishment of the Izembek National Wildlife Range in 1960 (Public Land Order 2216, 25 Fed. Reg. 12599-12600) due to its value as a, “refuge, breeding ground, and management area for all forms of wildlife.” As the Izembek National Wildlife Range, the Department of Interior recognized this area as, “contain[ing] the most important concentration point for waterfowl in Alaska.” One objective of the 1969 Wildlife Range Master Plan was to manage Izembek so it would remain in as natural condition as possible, to maintain its high value for wildlife. The Master Plan specifically noted protection of drainages [and wetlands] as vital to the function of the range because altering natural water conditions could seriously affect wildlife habitat, including eelgrass, and emphasized soil disturbance, public facilities, and human activities must be kept to a minimum in the range.
- Through the Alaska National Interest Lands Conservation Act (ANILCA), Congress redesignated the range as the Izembek National Wildlife Refuge in 1980. Congress defined four purposes for the refuge designation:
 - 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;
 - ii. To fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats⁴;
 - 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

⁴ Specific to Izembek National Wildlife Refuge, applicable international treaties include but are not limited to the Migratory Bird Treaty Act (1918, as amended), and the Ramsar Convention on Wetlands of International Importance especially as Waterfowl Habitat (1971).

- iv. To ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in paragraph (i), water quality and necessary water quantity within the refuge.
- At the same time the refuge was established, Congress designated a large portion of the refuge as Wilderness, conferring protections to this portion of the refuge under the Wilderness Act of 1964⁵. Congress noted this wilderness contained watersheds critical to Izembek Lagoon and recognized the lagoon’s eelgrass beds serve as habitat for millions of waterfowl. Congress specifically identified that the wilderness designation was made to protect critically important habitat by restricting access to the lagoon.
- Izembek National Wildlife Refuge is also a designated Wetland of International Importance (Ramsar Site No. 349⁶) in 1986, under the Ramsar Convention of Wetlands. Izembek was one of the sites that qualified the United States to sign on as a Contracting Party to this intergovernmental treaty. The refuge qualifies as a Wetland of International Importance under six of nine criteria agreed upon by the Convention, including Criteria 1, “contains a representative, rare, or unique example of a natural or near-natural wetland type found within the appropriate biogeographic region” (Ramsar Convention 1971).

Road development along the isthmus would permanently change the ecological character of this site, including by altering natural vegetation and soils in and along the road prism, permanently disrupting the natural hydrology of the isthmus, and degrading water quality in freshwater habitats and connected lagoons. Approving a land exchange to facilitate road construction would be contrary to the management objectives laid out in the 1969 Izembek National Wildlife Refuge Range Master Plan; would be inconsistent with the original Izembek National Wildlife Refuge purposes (i), (ii), and (iv), defined by Congress under ANILCA; would remove 336 acres of wilderness from Federal protection under the Wilderness Act and would permanently alter the character of a larger area of Wilderness made vulnerable to increased human use, including incursions via unsanctioned ATV traffic; and appears contrary to commitments the United States made in signing on to the Ramsar Convention and designating this site as a Wetland of International Importance. Signing on to the Ramsar Convention obligates Contracting Parties to maintain the ecological character of Ramsar Sites; to report any changes or foreseeable changes that could affect ecological characteristics of Ramsar sites, including changes in ownership or management status, to the Ramsar Secretariat; and to report on any changes during each meeting

⁵ The Wilderness Act defines Wilderness as, “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.”

⁶ The Ramsar site boundaries fully mirror the refuge boundaries. The refuge qualified under Criteria 1,2,4,5,6, and 8 (RIS 2011).

of the Conference of the Parties (Ramsar Convention Secretariat 2010). Should changes to the ecological character of a Ramsar Site be deemed irreversible (such as the case with permanent habitat loss and ongoing degradation through construction of a road), Contracting Parties could be obligated to provide compensation (Ramsar Convention Secretariat 2010). We question how the proposed action would meet the purpose of increasing the overall conservation value of lands preserved in the National Wildlife Refuge System, considering the unique values of the lands that would be conveyed or otherwise impacted.

We request the FWS update the SEIS to incorporate information provided herein and to re-analyze the effects road-based alternatives would have in this area, particularly including Aleutian Terns. Preliminary results from an in-progress statewide survey support there are fewer Aleutian Terns statewide than in historical records, and the species is exceedingly rare in Alaska (Aleutian Tern Technical Committee, unpubl. data.). Izembek National Wildlife Refuge provides highly suitable nesting habitat for Aleutian Terns, with records dating back 100 years and several colonies that have been recently active in the area of the proposed road alignment. The Pacific Seabird Group foresees potentially significant, negative impacts to the local Aleutian Tern breeding population should the FWS proceed with a land exchange to facilitate construction of a road through the Izembek National Wildlife Refuge isthmus. The unique value and high function of the holistic system (lagoons, isthmus, and connected watersheds) underpins multiple Federal, State, and international management designations in the area of concern.

It is the Pacific Seabird Group's understanding that funds to construct, operate, and maintain road-based access between King Cove and Cold Bay have not been identified (but it is estimated construction would require an estimated \$36 million of initial funding). We further understand the U.S. Department of Transportation's Maritime Administration awarded significant Federal funding to the Cold Bay Dock Infrastructure Replacement Project (approximately \$43 million awarded in fiscal year 2023 through the Port Infrastructure Development Program). We encourage the FWS to update the SEIS to reflect this information and to re-analyze the marine-based alternatives. With an upgraded dock, a marine ferry alternative may be a feasible and viable option, and a reasonable compromise, to provide a safe, reliable, year-round transportation between King Cove and Cold Bay for human health and safety and to maintain or increase subsistence opportunities through increased access to the existing local road network. In light of recent infrastructure upgrades, we support reassessment of a marine-based alternative to provide access between King Cove and Cold Bay, Alaska, as this alternative has the potential to minimize negative impacts to seabirds.

Thank you for your attention to this matter. We can be reached to address questions at the provided contact information.

Sincerely,

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Izembek National Wildlife Refuge Tern Colonies

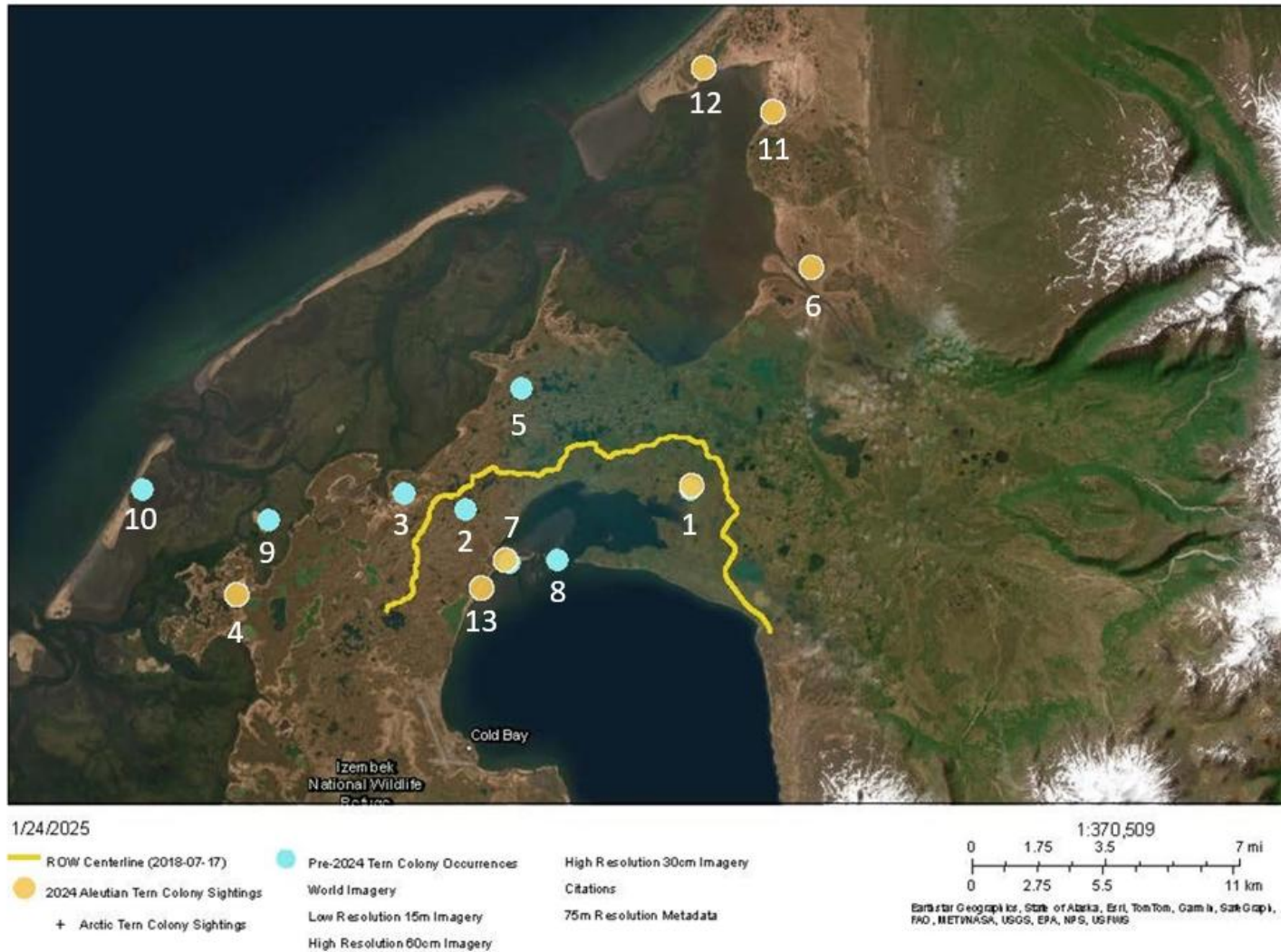


Figure 1. Tern colonies (Aleutian and Arctic) in vicinity of proposed Land Exchange, including 2024 survey and earlier data.

Table 1. Tern colonies in vicinity of proposed Land Exchange. Colony locations can persist through time (e.g. the Glen Island Colony, present during 1925-2008), but they may also shift slightly on the landscape (e.g. the contemporary Applegate Trailhead colony v. historical Birdsall Island colony).

Colony Number on Map	Species	Informal Colony Name	General Location	Approx. Coordinates	Located in 2024? (Last Confirmed)	Comments
1	Aleutian terns	E. Kinzarof Lagoon (ALMS Point)	Isthmus (Kinzarof side)	55.30156, -162.55775	Yes (2024)	Immediate vicinity of road corridor. Presence confirmed 2023-2024.
2	Arctic terns	Mid Isthmus ("BRBA_00026")	Isthmus (Kinzarof side)	55.29, -162.71	No (2021)	Immediate vicinity of road corridor, within the Izembek Wilderness.
3	Aleutian terns	Izembek Lagoon (ALMS Point)	Isthmus (Izembek side)	55.29988, -162.7417	No (2023)	Immediate vicinity of road corridor, edge of Izembek Wilderness.
4	Aleutian terns	Applegate Trailhead	Isthmus (Izembek side)	55.26186, -162.85867	Yes (2024)	Immediate vicinity of road corridor. Near historical Birdsall Isl. colony
5	Unidentified terns	E. Izembek Lagoon ("BRBA_00027")	Isthmus (Izembek side)	55.34, -162.67	No (2021)	Immediate vicinity of road corridor, within Izembek Wilderness. Habitat looks good for Aleutian terns.
6	Unidentified terns	Joshua Green River	Isthmus (Moffet side)	55.38163, -162.48285	Yes (2024)	Within Joshua Green River watershed, Izembek Wilderness. Habitat looks good for Aleutian terns.
7	Mixed terns	Kinzarof Entrance Island	Kinzarof Lagoon	55.27, -162.68	Yes (2024)	Majority Aleutians; confirmed 2021-2024.
8	Arctic terns	Entrance Island ("BRBA_00025")	Kinzarof Lagoon	55.27, -162.65	No (2021)	

9	Aleutian terns	Birdsall Island	Izembek Lagoon	55.29, -162.84	No (1975)	
10	Aleutian terns	Glen Island	Izembek Lagoon	55.30, -162.92	No (2008)	Presence confirmed 1925-2008
11	Aleutian terns	Shoreline- East Moffet Lagoon	Moffet Lagoon	55.44343, -162.50382	Yes (2024)	Within Joshua Green River watershed, Izembek Wilderness.
12	Aleutian terns	Shoreline- NE Moffet Lagoon	Moffet Lagoon	55.46019, -162.54901	Yes (2024)	Within Joshua Green River watershed, Izembek Wilderness.
13	Unidentified terns	Kinzarof Entrance Spit	Kinzarof Lagoon	55.25, -162.71	Yes (2024)	Terns seen at this point could be associated with the Kinzarof Island colony.