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**King Cove Access Project – White Paper***Prepared for the Aleutians East Borough Mayor and Assembly*

**History:**

* **1964**: The Wilderness Act passed, defining the management policy for the entire National Wilderness Preservation System, including Izembek.
* **1971**: Congress passed the Alaska Native Claims Settlement Act (ANCSA). ANCSA authorized the King Cove Village Corporation (KCC) to select approximately 100,000 acres of federal land in and around the community, as well as traditional subsistence lands in the Cold Bay and the Izembek Refuge area.
* Some of these selections became problematic when they conflicted with the newly proposed “wilderness” land status, following the 1971 National Wilderness System legislation.
* Public comment on the “wilderness” designation was requested. Two hearings occurred – one in Anchorage and the other in Cold Bay. There is no available record demonstrating that any outreach was made or notice sent to the City of King Cove, tribal leaders or anyone that would be impacted.
* **1976**: The City of King Cove passed its first formal resolution in support of a road connection to the Cold Bay Airport.
* **1979**: The King Cove airstrip experienced its first airplane crash due to bad weather. The pilot and the passengers were injured.
* **1980**: President Carter signed the Alaska National Lands Interest Conservation Act (ANILCA)
* That same year, a plane crash, which occurred during a blizzard, caused the deaths of four people in King Cove during a medevac, including an injured fisherman, a King Cove nurse, an assistant and a pilot.
* **1981**: Six people died when their plane crashed into a hillside flying into King Cove in heavy fog and rain.
* **1990**: A plane crashed into the mountain ridge northwest of the King Cove airstrip during snow squalls, killing the pilot.
* **1995:** TheAEB provided the assistance of their Washington, D.C. lobbyist to assist in the advocacy and legislative progress that would help to make the road a reality.
* A land exchange was proposed with an offer to transfer 650 acres of King Cove Corporation (KCC) land to the federal government in exchange for a 206-acre- road right-of-way through the Izembek Refuge.
* With support from the Alaska Delegation, King Cove took its case to the 105th Congress, resulting in the introduction of a land exchange bill entitled the King Cove Health and Safety Act of 1998.
* The bill passed the Senate by a vote of 59 – 38, despite strong environmental opposition.
* Interior Secretary Bruce Babbitt said he would recommend that President Clinton veto the bill.
* With the assistance of Senator Ted Stevens, Chairman of the Senate Appropriations Committee, and White House Chief of Staff, Leon Panetta, a significant compromise was reached to provide $37.5 million for a combination road and marine link to connect the two communities. A $2.5 million upgrade to the King Cove Clinic was also part of the compromise.
* The compromise was presented to Aleutians East Borough Mayor Dick Jacobsen in a phone call as a take-it-or-leave it deal. He had 30 minutes to decide.
* The compromise was accepted.
* **2004**: The final King Cove Access Project EIS selected a road and marine link to include hovercraft service from the northeast corner of King Cove to a terminal in Cold Bay.
* **Summer of 2006**: Discussions began between the national director of the U.S. Fish & Wildlife Service, Dale Hall, the Alaska USFWS region and community leaders from King Cove and the Aleutians East Borough. The discussions focused on creating a satisfactory land exchange proposal that Dale Hall could endorse.
* A fly-over was arranged for Director Hall and AEB Mayor Stanley Mack to see the proposed lands, including 11,000 acres of KCC land, called Mortensen Lagoon.
* Mr. Hall took the position that if the KCC would be willing to include the Mortensen Lagoon land in the offer, he may be able to take that offer, in conjunction with the existing state offer, to the Secretary of the Interior as a viable package in trade for a federal government land right-of-way and possible road link.
* With a combined total land offer of 61,000 acres (43,000 acres of state land and 18,000 acres of KCC land) the King Cove team moved forward to seek legislation to formalize the offer. Of this land, approximately 45,000 acres would become new wilderness land in the Izembek Refuge.
* **June 20, 2007**: The Izembek & Alaska Peninsula Refuge and Wilderness Enhancement Act was introduced in the House. Dale Hall testified on behalf of USF&WS in support of the proposal. He described the lands offered as of “considerable value” to the Service.
* The King Cove and Aleutians East Borough team reactivated advocacy and lobbying support for this new legislation. Many trips to Washington, D.C. and Juneau followed. Lobbyists on both sides of the aisle were engaged to help inform and educate members of Congress. Members of the team visited all 535 Congressional offices during this time.
* **August 2007**: The Aleutians East Borough began hovercraft operations between King Cove and Cold Bay.
* **Oct. 31, 2007:** The Izembek & Alaska Peninsula Refuge and Wilderness Enhancement Act was heard by the House Natural Resources Committee and was successfully passed out of the committee.
* **Sept. 11, 2008**: The bill was marked up in the Senate Energy Committee.
* **March 19, 2009**: The Omnibus Public Land Management Act of 2009, which included the Izembek National Wildlife Refuge Land Exchange, passed the U.S. Senate 77 – 20 votes.
* A week later, the bill passed the U.S. House of Representatives by 285 – 140 votes.
* President Obama signed the legislation into law on March 30, 2009.
* The law required compliance with the National Environment Policy Act of 1969. Therefore, an EIS was required. The Secretary of the Interior would have the final authority to determine whether the land exchange and construction of a road was in the public interest.
* **2010:** The EIS process began with scoping meetings held in Sand Point, Nelson Lagoon, False Pass, and King Cove.
* An agreement between Western Federal Lands/Federal Highway Administration, DOT/PF, AEB and the City of King Cove was negotiated to define responsibilities for providing EIS data and specifics on road engineering, location, construction and operations.
* **April 2010**: Alaska Governor Sean Parnell signed HB 210, the Izembek Game Refuge Land Exchange, into law, sending a strong message to the Secretary of the Interior that the State of Alaska solidly supports the road link.
* **November 2010**:The Aleutians East Boroughceased operations of the hovercraft due to its unreliability in poor weather and excessive costs. The cost to operate the craft exceeded $1 million per year, a financial burden the Borough was unable to sustain.
* **March 19, 2012**: The draft version of the EIS report was published. Instead of stating which of the studied alternatives it preferred, USF&WS opened the report for public comment. On-site public testimony was taken in Anchorage, Cold Bay, Sand Point, False Pass and Nelson Lagoon.
* **Feb. 5, 2013**: The final EIS was published. The USF&WS had chosen the “No Action” alternative.
* **March 13, 2013**: The King Cove team met with departing Secretary of the Interior Ken Salazar. He decided to postpone his public interest determination. He also directed Assistant Secretary for Indian Affairs, Kevin Washburn to visit King Cove to assess the medical evaluation benefits from the proposed road and provide a report to the Secretary of the Interior.
* **June 28, 2013**: Kevin Washburn traveled to King Cove. He listened to dozens of residents and heard their stories about dangerous medevacs they or their loved ones experienced.
* **August 30, 2013**: Interior Secretary Sally Jewell, accompanied by Senator Lisa Murkowski, visited King Cove to hear testimony from residents and toured the clinic and the school.
* **Dec. 23, 2013**: U.S. Interior Secretary Jewell issued her Record of Decision, rejecting the road and land exchange.
* **April 14, 2014**: The King Cove group wrote to Sec. Jewell to explain why other alternatives were not reliable or feasible and would not guarantee the safety of residents. The group implored her to reverse her Record of Decision.
* **August 13, 2014**: Secretary Jewell wrote back stating that she would not reverse her decision.
* **June 4, 2014**: The Agdaagux Tribe, the Native Village of Belkofski, the King Cove Corporation, the Aleutians East Borough, the City of King Cove and King Cove residents Etta Kuzakin and Leff Kenezuroff sued Interior Secretary Sally Jewell, the Assistant Secretary of Indian Affairs, the Director of the U.S. Fish and Wildlife Service and others in the Department of the Interior. The group claimed that Sec. Jewell used biased scientific information to make her arbitrary and capricious denial of the Izembek land exchange and road to the Cold Bay Airport.
* **Dec. 19, 2014**: Federal District Court Judge Russell H. Holland ruled against the King Cove group, stating there was no violation of NEPA or the Omnibus Public Lands Management Act.
* **July 2016:** Alaska’s Congressional Delegation introduced identical bills in both chambers of Congress calling for an equal value land transfer in exchange for a small, single-lane road link between King Cove and the nearby Cold Bay Airport.
* **July 20, 2017:** Congressman Don Young’s King Cove land transfer/road bill, H.R. 218, passed in the House with bipartisan support by a vote of 248 to 179.
* **Jan.22, 2018:** U.S. Secretary of the Interior Ryan Zinke and King Cove Corporation spokeswoman Della Trumble signed the land exchange agreement. The agreement begins the process of identifying land of equal value needed to build the life-saving road corridor between King Cove and the Cold Bay Airport.
* **Jan.31, 2018:** Nine environmental groups filed a [22-page complaint](https://s3.amazonaws.com/arc-wordpress-client-uploads/adn/wp-content/uploads/2018/01/31022933/2018-01-31-complaint.pdf) in federal court, naming U.S. Secretary of the Interior Ryan Zinke, his agency and the U.S. Fish and Wildlife Service as defendants. The groups claim that Zinke circumvented Title XI of ANILCA, which requires presidential and congressional approval for roads and other “transportation systems” that run through wilderness areas.
* **March 1, 2018:** The Aleutians East Borough Assembly voted to intervene in a federal lawsuit brought by a coalition of environmental groups against the Department of the Interior for signing the land exchange agreement. Parties to the filing include the King Cove Corporation, the Aleutians East Borough, the City of King Cove, the Agdaagux Tribe, the Native Village of Belkofski and the City of Cold Bay.
* **April 2, 2018:** The U.S. Department of Justice responded in federal court to the legal challenge by environmental activists regarding the land exchange agreement. DOJ requested that the court dismiss the entire case with prejudice.
* **April 5, 2018:** The King Cove Corporation, the Agdaagux Tribe of King Cove, the Native Village of Belkofski Tribe, the City of King Cove, the Aleutians East Borough and the City of Cold Bay filed a motion in federal court to join the lawsuit defending the land exchange agreement with the U.S. Department of the Interior.

**Funding:**

* **FY 2009**: The City of King Cove returned its grant funding to the AEB for the hovercraft operations for the amount of $107,350.
* **2007 – 2010**: Total cost for hovercraft operations/maintenance from August 2007, when operations began, to November 2010, when operations were discontinued, totaled $7,367,644.70.
* **As of May 2014**, the Aleutians East Borough had a $2 million state grant with approximately $1.95 million balance that could be used for expenses related to KCAP and to the Cold Bay Airport, including any litigation costs.
* **FY 2016:**The Aleutians East Borough reimbursed the City of King Cove for $625,000 for documented KCAP project costs incurred by the City between FY 2007 and FY 20015, which was included in the FY 2016 budget.
* **The FY 2016 budget** allocated $100,000 for ongoing expenditures that would be incurred by the Borough/the City of King Cove.
* **FY 2017:** A second payment for reimbursement of KCAP project costs of up to $412,500 for substantiated FY ’07 – FY’15 costs was approved by the Borough Assembly during the FY mid-year budget amendment. In July 2017, the Borough paid $402,748.26 to the City.
* **FY 2017:** The Borough’s approved FY ’17 operating budget allocated $100,000 for ongoing expenditures to continue the KCAP.
* **FY 2017:** The Borough entered into a memorandum of agreement (MOA) for road maintenance for $99,000.
* **FY 2018:** The Borough entered into a memorandum of agreement (MOA) for road maintenance for $100,000.
* **FY 2018:** A third cost reimbursement to the City of King Cove of up to $412,500 of substantiated FY ’07 through FY ’15 costs was approved by the Assembly during the FY ’18 budget cycle. In March 2018, the Borough paid $388,466.63 to the City.
* **FY 2018**: The Borough entered into a memorandum of agreement (MOA) for City of King Cove personnel costs in an amount not to exceed $60,000.
* **Feb. 28, 2018:** The hovercraft sale proceeds in the amount of $4,440,000 were received by the Aleutians East Borough on February 28, 2018.
* **March 1, 2018:** Borough Assembly members voted to intervene on the side of the federal government in the lawsuit environmental groups brought against the Interior Department to stop the land exchange that would lead to construction of a road corridor between King Cove and the Cold Bay Airport. The Borough approved spending $61,875 for attorney fees.
* **May 10, 2018:** Ordinance No. 18-10 appropriating $4,440,000 from the Borough General Fund into specific federally supported projects and reimbursing the Borough for costs of sale, and previously funded King Cove Access Project (KCAP) costs was approved by the Aleutians East Borough Assembly. The ordinance appropriates and transfers $1,396,576.98 of the hovercraft sale proceeds to the King Cove Access Project (KCAP) for federally supported transportation activities for the creation of a road to connect the City of King Cove to the Cold Bay Airport, with specific appropriations as follows:
	+ $605,382.09 is appropriated to the road project for use, but not limited to, construction, engineering fees and litigation for the KCAP.
	+ $791,194.89 is appropriated and transferred to the Borough’s Centralized Treasury as reimbursement for amounts paid for and advanced to the City of King Cove for work relating to the King Cove Access Project.
* **As of May 2018**, the Borough has a $1.56 million balance from the state grant allocated expenses related to the KCAP.