

accordance with all Wilderness regulations with a goal of leave no trace. Research and field documentation gathered during this effort would be available to the U.S. Fish & Wildlife Service (Service).

### Options Outside of Wilderness

*Can action be taken outside of wilderness that adequately addresses the situation?*

- YES    **STOP – DO NOT TAKE ACTION IN WILDERNESS**  
 NO    **EXPLAIN AND COMPLETE STEP 1 OF THE MRDG**

Explain:

The only possible route for a road between Cold Bay and King Cove is through a narrow section of the Alaska Peninsula, which lies entirely within the Izembek Wilderness. This 'isthmus' is bounded on the north side by the Bering Sea and the south by the Pacific Ocean.

### Criteria for Determining Necessity

*Is action necessary to meet any of the criteria below?*

#### A. Valid Existing Rights or Special Provisions of Wilderness Legislation

*Is action necessary to satisfy valid existing rights or a special provision in wilderness legislation (the Wilderness Act of 1964 or subsequent wilderness laws) that **requires** action? Cite law and section.*

- YES     NO

Explain:

#### B. Requirements of Other Legislation

*Is action necessary to meet the requirements of other federal laws? Cite law and section.*

- YES     NO

Explain:

The Alaska National Interest Lands Conservation Act (ANILCA) of 1980 section 1302(h), as amended; and 16 U.S.V section 3192(h) provide special authority for the exchange of lands by Native corporations, the Secretary of the Interior, and the State of Alaska. Both statutes allow the Secretary of the Interior to exchange lands on other than an equal value basis, when the Secretary determines it to be in the public interest. The Secretary of the Interior mandated that the Fish and

Wildlife Service explore the option of a land trade between the Izembek Refuge and the King Cove Native Corporation. The ground-based reconnaissance is necessary to determine if such a land trade is in the best interest of the public.

ANILCA § 1302(h) and § 3192(h) begin with the words: “notwithstanding any other provisions of law...” This authorizes exchanges in congressional withdrawals, such as with National Wildlife Refuges, National Parks and National Monuments created by ANILCA.

ANILCA § 1302(h) and states:

(h) Notwithstanding any other provision of law, in acquiring lands for the purposes of this Act, the Secretary is authorized to exchange lands (including lands within conservation system units and within the National Forest System) or interests therein (including Native selection rights) with the corporations organized by the Native Groups, Village Corporations, Regional Corporations, and the Urban Corporations, and other municipalities and corporations or individuals, the State (acting free of the restrictions of §6(i) of the Alaska Statehood Act), or any Federal agency. Exchanges shall be on the basis of equal value, and either party to the exchange may pay or accept cash in order to equalize the value of the property exchanged, except that if the parties agree to an exchange and the Secretary determines it is in the public interest, such exchanges may be made for other than equal value.

ANILCA § 3192(h) states:

(1) Notwithstanding any other provision of law, in acquiring lands for the purposes of this Act, the Secretary is authorized to exchange lands (including lands within conservation system units and within the National Forest System) or interests therein (including Native selection rights) with the corporations organized by the Native Groups, Village Corporations, Regional Corporations, and the Urban Corporations, and other municipalities and corporations or individuals, the State (acting free of the restrictions of section 6(i) of the Alaska Statehood Act), or any Federal agency. Exchanges shall be on the basis of equal value, and either party to the exchange may pay or accept cash in order to equalize the value of the property exchanged, except that if the parties agree to an exchange and the Secretary determines it is in the public interest, such exchanges may be made for other than equal value.

(2) Nothing in this Act or any other provision of law shall be construed as authorizing the Secretary to convey, by exchange or otherwise, lands or interest in lands within the coastal plain of the Arctic National Wildlife Refuge (other than land validly selected prior to July 28, 1987), without prior approval by Act of Congress.

### C. Wilderness Character

*Is action necessary to preserve one or more of the five qualities of wilderness character?*

UNTRAMMELED

YES     NO

Explain: