



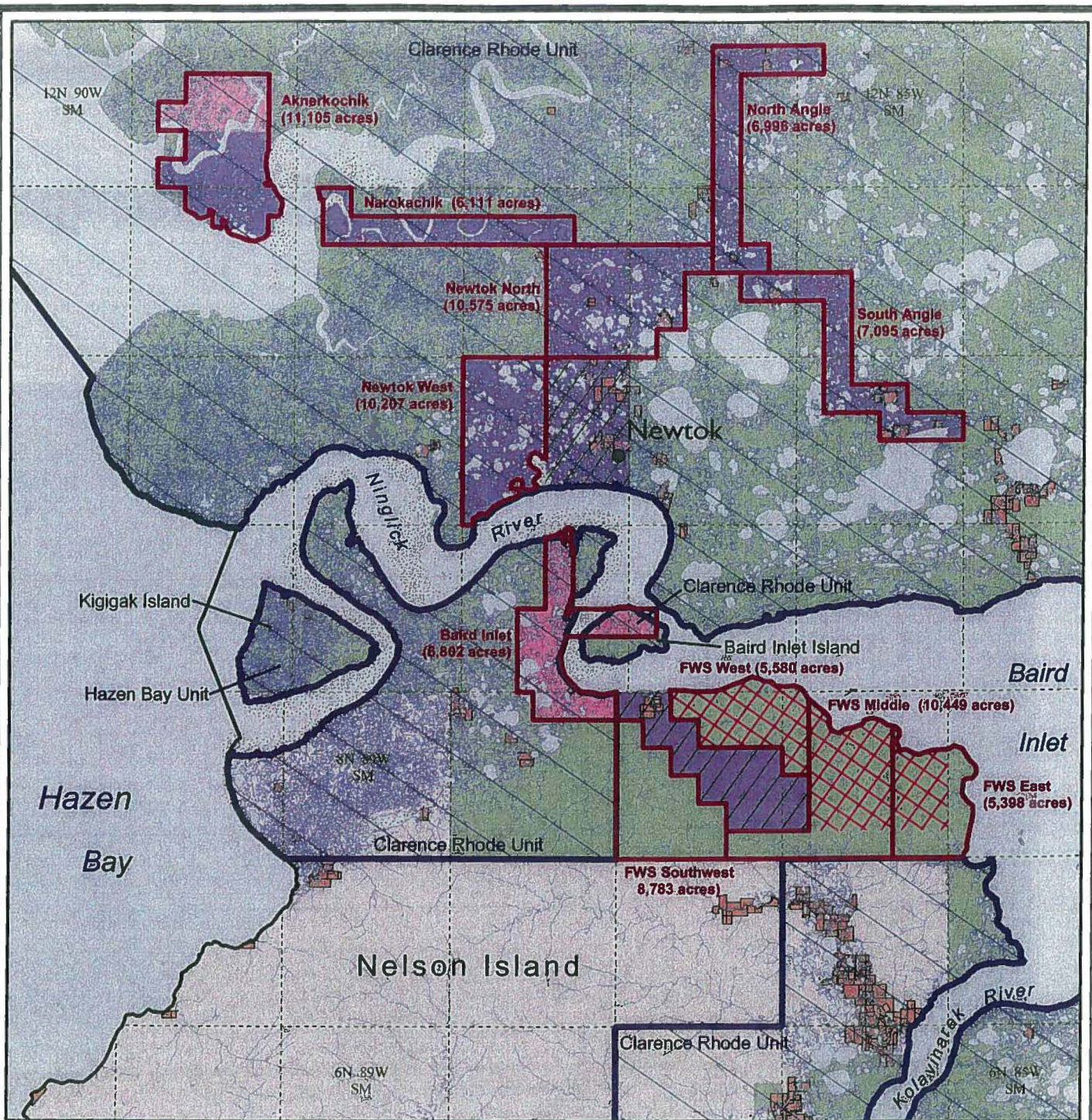
U.S. Fish & Wildlife Service

Newtok Land Exchange Briefing Report



Yukon Delta National Wildlife Refuge

October 2001



Proposed Newtok Exchange

U.S. Fish & Wildlife Service

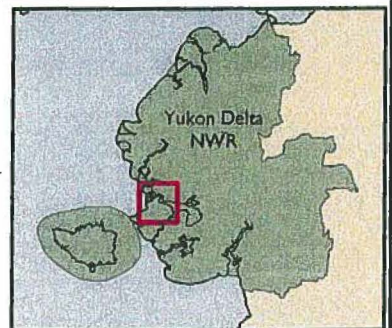
Yukon Delta National Wildlife Refuge

- Newtok Conveyed
- Newtok Selected
- Native Allotment Application
- Other Status

- Parcel Boundaries
- Original Proposal
- Excluded Areas
- Refuge Land



Land status represents USFWS interpretation of BLM records. Land status current to 10/01/2001.



Date: October 25, 2001

BRIEFING FOR THE SECRETARY

PREPARED BY: Sharon Seim, Fish and Wildlife Biologist, Biology and Archaeology Branch, Division of Realty, Alaska

FROM: U.S. Fish and Wildlife Service, Alaska Region, David B. Allen, Regional Director

SUBJECT: Proposed Land Exchange Between Newtok Native Corporation and the U.S. Fish and Wildlife Service

PURPOSE OF BRIEFING DOCUMENT: To inform the Secretary about proposed legislation directing an exchange with Newtok Native Corporation and the unresolved issues stalling an agreement between the Service and Newtok.

ISSUES: The proposed legislation adds unnecessary steps to the land exchange process and creates otherwise avoidable impacts to wildlife habitats.

Both parties agree to the exchange in principal; however, negotiations have temporarily stalled over the amount of land to include and over a proposed exclusive subsistence reservation. The last Service proposal was for an exchange of 16,029 acres of Service lands. Newtok wants to acquire just 5,580 acres and is offering 11,105 acres with a subsistence reservation.

The village of Newtok is located in an area of high value waterfowl habitat slightly downriver from Baird Inlet Island, the site of one of five major brant nesting colonies on Yukon Delta National Wildlife Refuge.

It is critical to the Service that a land exchange with Newtok include enough land to establish a village infrastructure as well as provide for: 1) future growth of the village, 2) ancillary uses (e.g., ATVs) on non-refuge lands adjacent to a new village, 3) alternative sitings for public facilities such as airports and harbors, 4) no refuge parcels surrounded or landlocked by private lands, and 5) sufficient exchange land of high value to wildlife to balance, or at least minimize, the loss of refuge lands associated with removing land from the refuge and developing undisturbed habitats in and around Nelson Island. The current legislative proposal does not meet these criteria.

We believe that careful planning and continued negotiations can result in a solution that meets village needs to relocate and refuge needs to protect the brant colony on Baird Inlet Island and acquire valuable wildlife habitats in exchange for the loss of habitats in and around Nelson Island.

MAIN DECISION OR MESSAGE: The Service supports the relocation of the village of Newtok to Nelson Island. We understand that the village faces a serious erosion problem that threatens the existing location. The Service is willing to enter into an exchange agreement with Newtok as long as the exchange will not seriously harm essential wildlife and habitats on the Yukon Delta National Wildlife Refuge.

BUREAU PERSPECTIVE: There is no official position at this time.

PROGRAM CONTACT: David B. Allen, Alaska Regional Director, (907)786-3542

Background

The village of Newtok is experiencing severe erosion along the banks of the Ninglick River. The average annual erosion rate is 90 feet per year, and it is expected that the land under the homes, schools, and businesses of Newtok will erode within eight years.

In November 1996, Newtok Native Corporation passed a resolution authorizing the corporation to negotiate a land exchange with the Service. The corporation identified approximately 19,000 acres of refuge land on Nelson Island suitable for a new village site. Negotiations began immediately, and by December 1997, Alaska's Regional Director submitted an intent to exchange agreement for a 21,427 acre exchange to Newtok Native Corporation.

Newtok Native Corporation responded to the proposed agreement by reducing both the refuge land they sought on Nelson Island to 14,750 acres and the corporate land they offered elsewhere to 11,105 acres. They also decided to reserve exclusive subsistence use on their offered lands and asked for specific procedures regarding the appraisal and the transfer of title. The Service opposed these requests for resource-related reasons, because they did not meet Federal standards for land acquisition, and because ANILCA already guarantees the opportunity for subsistence. Furthermore, retaining exclusive subsistence rights on offered lands would lower the appraised value, further complicating the exchange. As of February 2000, Newtok's request for refuge lands for a new village site on Nelson Island stands at just 5,580 acres. No agreement has been reached.

The village of Newtok is threatened with erosion from the Ninglick River. Residents need to relocate their village.



Michael Rearden

In October 2001, the Service received draft legislation from Congressman Young's office directing a 5,580 acre land exchange with Newtok Native Corporation. A subsistence use reservation on the 11,105 acres offered by Newtok was included in the legislation. Although the Service continues to support moving the village of Newtok to Nelson Island, we oppose the legislation as drafted. Ample laws, rules, regulations, and procedures exist for completing a land exchange in Alaska. The Service believes that new legislation directing an exchange with Newtok is not only administratively burdensome but creates impacts on refuge wildlife and habitats that are injurious and avoidable.

The Service supports a land exchange large enough to include land to establish a village infrastructure as well as provide for:

- future growth of the village
- ancillary uses (e.g., ATVs) on non-refuge land adjacent to a new village
- alternative sites for public facilities such as airports and harbors
- no refuge parcels surrounded or landlocked by private lands
- sufficient exchange land of high value to wildlife to balance, or at least minimize, the loss of refuge lands associated with removing land from the refuge and developing undisturbed habitats in and around Nelson Island

Further, village and airport feasibility studies must include wildlife issues as well as engineering concerns. For example, siting the new airport at least five miles from Baird Inlet Island and avoiding island overflights minimizes human safety issues as well as impacts on the nesting brant colony.



Baird Inlet Island (in the foreground) contrasts with the dry uplands of Nelson Island behind it.

Federally owned lands on Nelson Island could provide a permanent location for a new village.

Michael Rearden

The Environment

The Yukon Delta Refuge encompasses some of North America's finest waterfowl habitat.

Over 21,000 people live within the boundaries of the Refuge.

The Refuge's coastal zone is recognized as an area of international importance for waterfowl.

Yukon Delta Refuge: The Yukon Delta National Wildlife Refuge encompasses more than 26 million acres of land and water and is dominated by the flat, treeless plain of the Yukon-Kuskokwim Delta – one of the largest river deltas in the world. An abundance of water and wetland types combine to make the Refuge some of the finest waterfowl habitat in North America, supporting birds from all four flyways. Half of Alaska's waterfowl are produced here, including one million ducks, geese, swans, and other waterbirds.

Included in the boundaries of the Yukon Delta Refuge are 42 villages and approximately 21,000 people. Most of these people are Yup'ik Eskimos, a distinct, cultural group that has resided in this area for thousands of years, sustaining themselves with fish, mammals, and fowl. The ancestors of present-day Yup'ik people undoubtedly settled in this region because of the very biological richness that justifies its status as a wildlife refuge. Today, the people continue to rely directly on the Refuge's fish and wildlife resources for the majority of their food supply.

Refuge Coastal Zone: The coastal area of the Refuge is considered the most important nesting area in the world for Pacific brant, spectacled eiders, emperor geese, cackling Canada geese, Pacific white-fronted geese, and the western population of tundra swans. The area is critical habitat for the threatened spectacled eider, and the coastal zone supports 80% and 90% of the breeding populations of Pacific brant and emperor geese, respectively. The area is also excellent nesting and molting habitat for other species of waterfowl, including lesser sandhill cranes and a multitude of shorebirds. The area has been designated a waterfowl Habitat of Major Concern in the North American Waterfowl Management Plan, and portions of the coastal zone are a National Natural Landmark.



Tim Bowman

About 80% of the world population of Pacific brant nest in the coastal zone of the Yukon Delta Refuge.

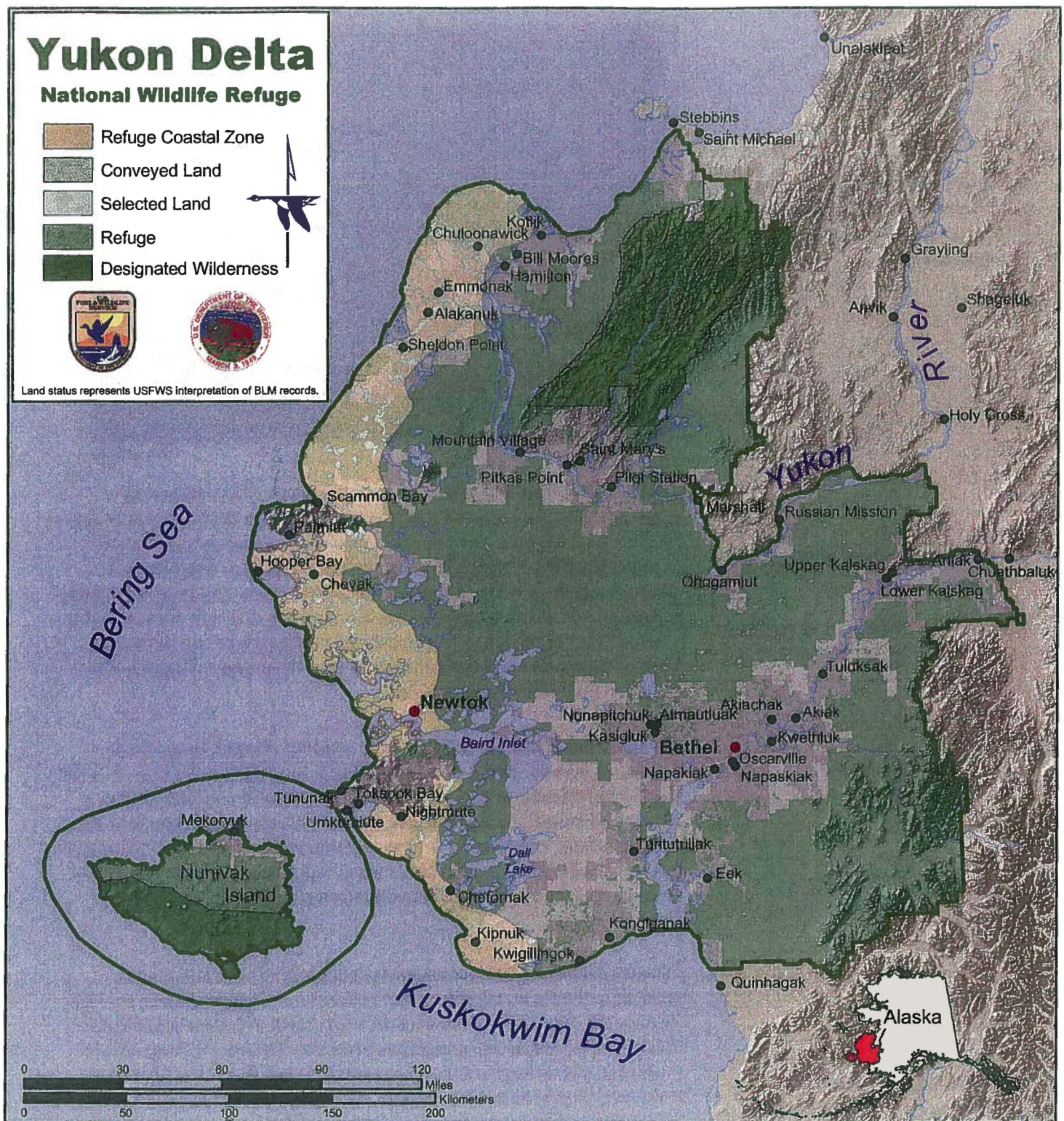
Yukon Delta

National Wildlife Refuge

-  Refuge Coastal Zone
-  Conveyed Land
-  Selected Land
-  Refuge
-  Designated Wilderness



Land status represents USFWS interpretation of BLM records.



Most of the land owned by Newtok Native Corporation is low, wet, and unsuitable for a new village.



Michael Rearden

Newtok is located in the Refuge coastal zone.

Newtok: Newtok, a village of approximately 321 people, was established in the late 1940s, and is located within the biologically rich Refuge coastal zone. Newtok is situated on a sweeping bend on the north side of the Ninglick River near the Bering Sea. The Ninglick River has been eroding this shore for several years, and now the homes, schools, and businesses of Newtok are threatened. There are few viable alternatives for places to reestablish the village where it will be safe from further erosion. Most of the land near the current village is low, wet, and underlain by permafrost.

Proposed Village Site: To the south of Newtok lies Nelson Island, an area of tundra-covered rolling hills underlain by rock. It is the most habitable site within reasonable distance of the present village – about nine miles. Although Newtok Native Corporation owns land on Nelson Island, their land is intermixed with numerous Native allotments and is insufficient to support an entire village as well as inadequate for an airport. As a result, Newtok is interested in acquiring adjacent Federal lands.

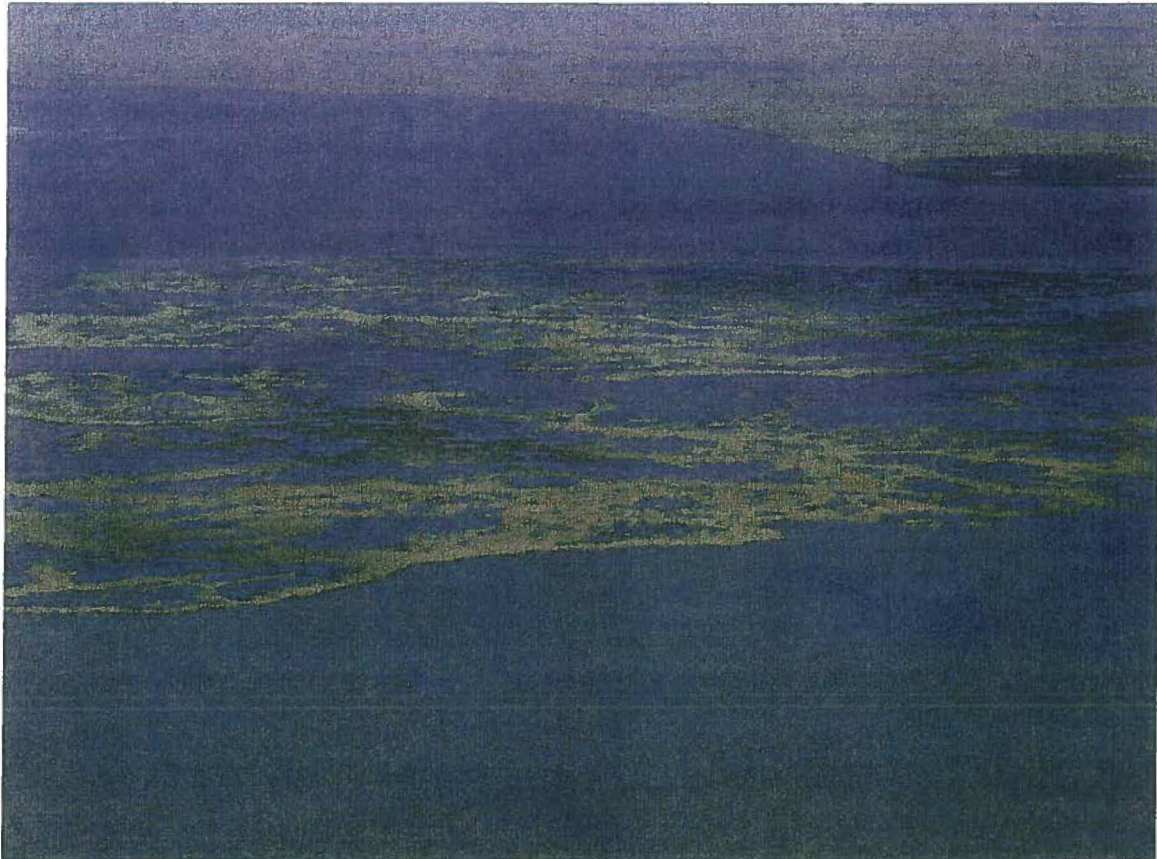
The proposed new village site on Nelson Island is within two miles of an important Pacific brant nesting colony.

Newtok Native Corporation approached the Service about a land exchange. Recognizing the erosion problem, we agreed to an exchange in concept despite our concern that the transfer of Nelson Island lands out of public ownership would have resource impacts. The area of the proposed new village site is within two miles of Baird Inlet Island – a low, wet, grassy island that supports a large colony of nesting Pacific brant. One of just five major Pacific brant colonies on the Refuge, Baird Inlet Island is a critical production area for these geese. During an average year, up to 4,500 pairs of brant use Baird Inlet Island to nest and brood their young; nests on this island comprise up to 25% of the colonial nests on the Refuge in any given year. The island also supports nesting cackling Canada geese, emperor geese, and other waterfowl.

*The new village airport should
be sited more than five miles
from Baird Inlet Island*

The proposed location of the new village airport would put aircraft in proximity to a known wetland and waterfowl hazard, against specific recommendations of an FAA Advisory (Circular 150/5200-33). Furthermore, air traffic routed directly over Baird Inlet Island could cause serious disturbances to birds at critical stages in their life cycle as well as be potentially hazardous to aircraft. Increased boating activity adjacent to the island would be an additional source of disturbance to the birds as villagers travel to and from their traditional subsistence use area northwest of the new village site and supplies are brought into the new village. Other species likely to be impacted by the proximity of the village and airport are emperor goose, cackling Canada goose, Pacific white-fronted goose, the threatened spectacled eider, and muskox.

Negotiations have sought to balance these biological concerns with the real need of the villagers to relocate. We are optimistic that together we can reach an agreement satisfying both parties.



Michael Rearden

*As many as 4,500 pairs of Pacific brant nest on Baird Inlet Island, accounting for
as much as 25% of the Refuge's colonial brant nests each year.*

Waterfowl and Other Wildlife

Brant are susceptible to disturbance while nesting and brood rearing.



Tim Bowman

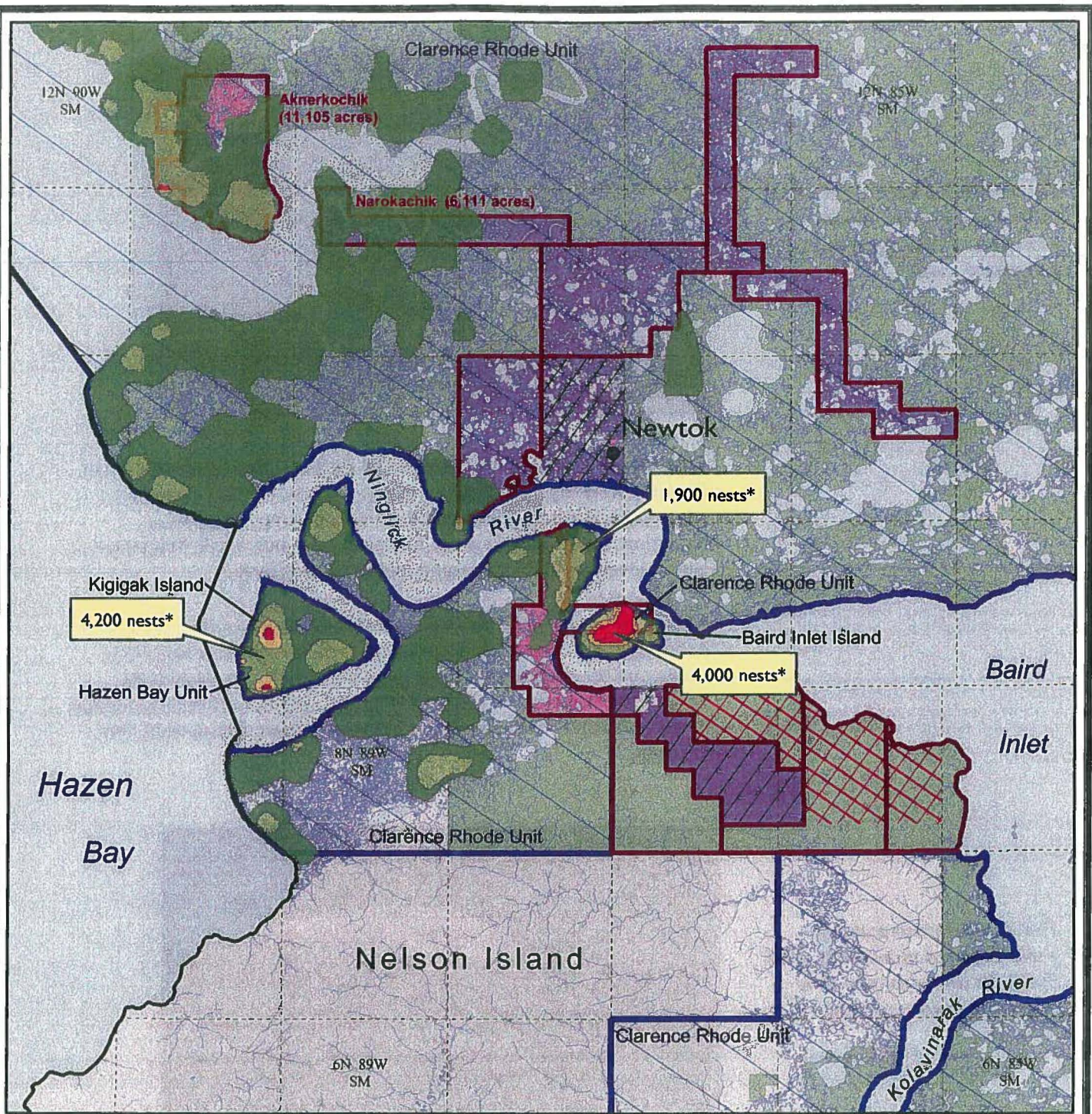
Adverse impacts to the Baird Inlet Island brant colony would affect the entire world population of Pacific brant.

Pacific Brant: About 80% of the entire Pacific brant population of approximately 125,000 birds nest in the coastal zone of the Yukon Delta Refuge each year. The vast majority of these geese nest in five major colonies, one of which is on Baird Inlet Island. This important colony of up to 4,500 pairs of brant accounts for as much as 25% of the colonial brant nests on the Refuge and as much as 10% of brant nests worldwide in a given year. Pacific brant are an important species for both subsistence and sport waterfowl hunters. Any long term reduction in nesting and brood rearing success at Baird Inlet Island would affect production and population trends of the entire Pacific brant population.

Brant are susceptible to disturbances such as low altitude aircraft and small boats, particularly during brood rearing. The closer the village and airport are to Baird Inlet Island the more serious the concern about whether this important nesting and brood rearing area can continue to remain viable in the face of increased boat traffic, aircraft overflights, and other activities associated with a village.

Several hundred cackling Canada geese nest on Baird Inlet Island.

Cackling Canada Goose: Virtually the entire world population of cackling Canada geese nest on the Yukon Delta Refuge. The cackling Canada goose population once stood as low as 25,800 birds. Through the cooperation and partnership of Native groups, the Service, and state wildlife agencies, the world population of cacklers has risen to approximately 212,000 birds and is viewed as a conservation success. Several hundred cacklers nest on Baird Inlet Island. In addition, the northern coast of Baird Inlet opposite Nelson Island and the proposed exchange lands is a key fall staging area for cacklers.



0 1 2 3 4 Miles
0 1 2 3 4 Kilometers

Brant Density

- Low
- Medium
- Medium High
- High



Brant Density and Distribution Proposed Newtok Exchange Area Yukon Delta National Wildlife Refuge

- Parcel Boundaries
- Original Proposal
- Excluded Areas
- Newtok Conveyed
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* Number of nests at three of the five major brant colonies on the Refuge. Year 2000 data (Anthony 2001).



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The central coast of the Yukon Delta Refuge is the nesting ground of the beleaguered emperor goose.



Tim Bowman

Emperor Goose: The Yukon Delta Refuge supports about 90% of the world breeding population of emperor geese. Having declined precipitously from the 1960s to the 1980s, the emperor goose population has increased slowly in recent years but is still well below historic levels and management population objectives.

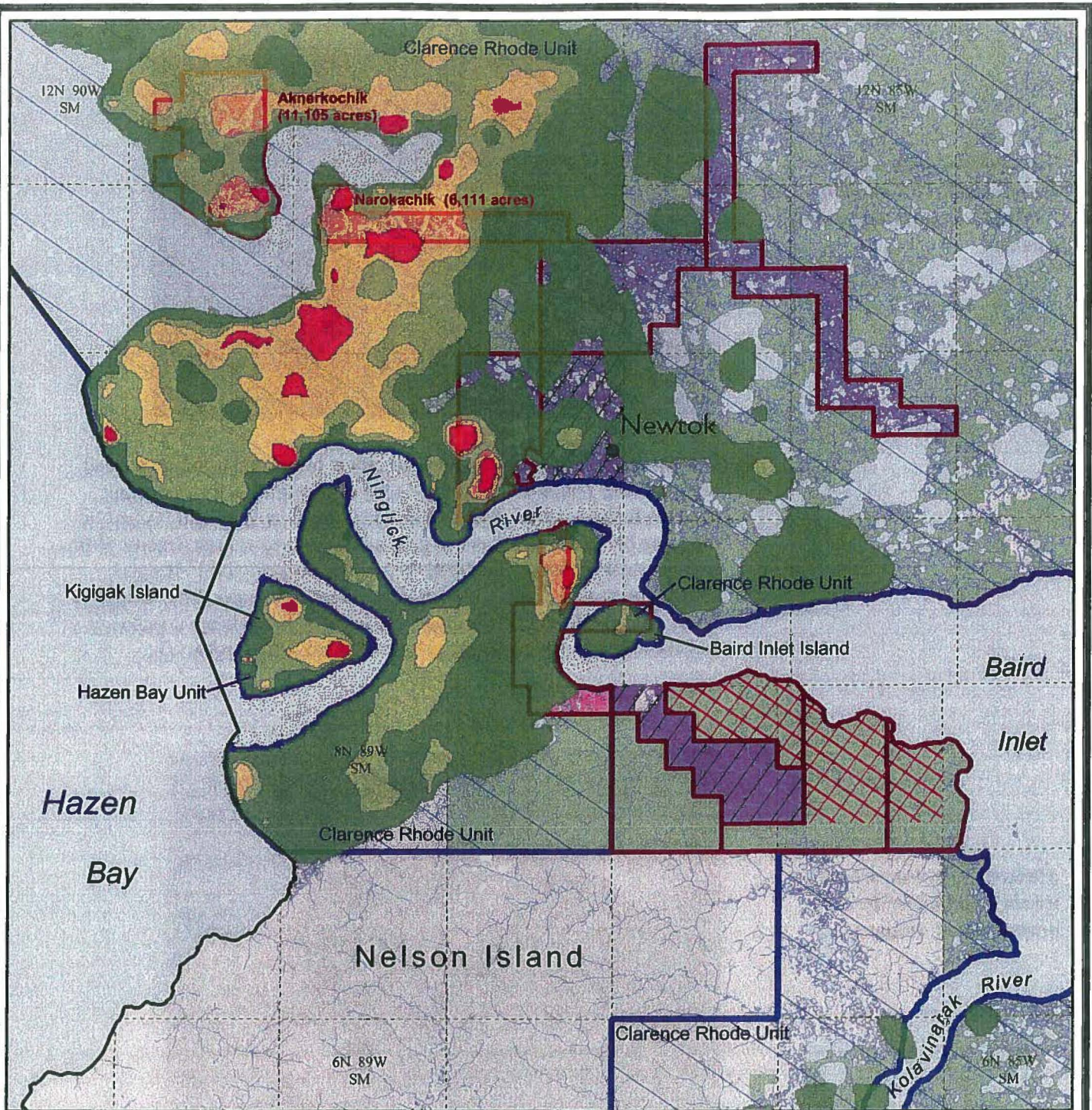
Emperor geese are sensitive to disturbance. Increased boat and aircraft traffic associated with the new village site would likely reduce the nesting and brood rearing success of emperor geese on Baird Inlet Island. Emperors nest in relatively high numbers in coastal areas such as Aknerkochik and Narokachik, areas that have been discussed in the exchange.

The Pacific white-fronted goose population has recovered thanks to the cooperation of government agencies and delta residents.



Tim Bowman

Pacific White-fronted Goose: About 80% of the Pacific Flyway population of 517,000 white-fronted geese nests on the Yukon Delta. Although white-front nests are broadly dispersed across the Refuge, nest density is highest along the Refuge's coastal zone in areas such as Aknerkochik and Narokachik.



0 1 2 3 4 Miles
0 1 2 3 4 Kilometers



Goose Density and Distribution Proposed Newtok Exchange Area Yukon Delta National Wildlife Refuge



Other Geese Densities

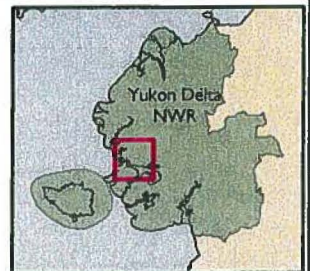
- Low
- Medium
- Medium High
- High



Density and distribution data are for Pacific white-fronted, emperor, and cackling Canada geese.

- Parcel Boundaries
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Some of the lands being considered in the exchange are critical habitat for spectacled eiders.



Chris Dau

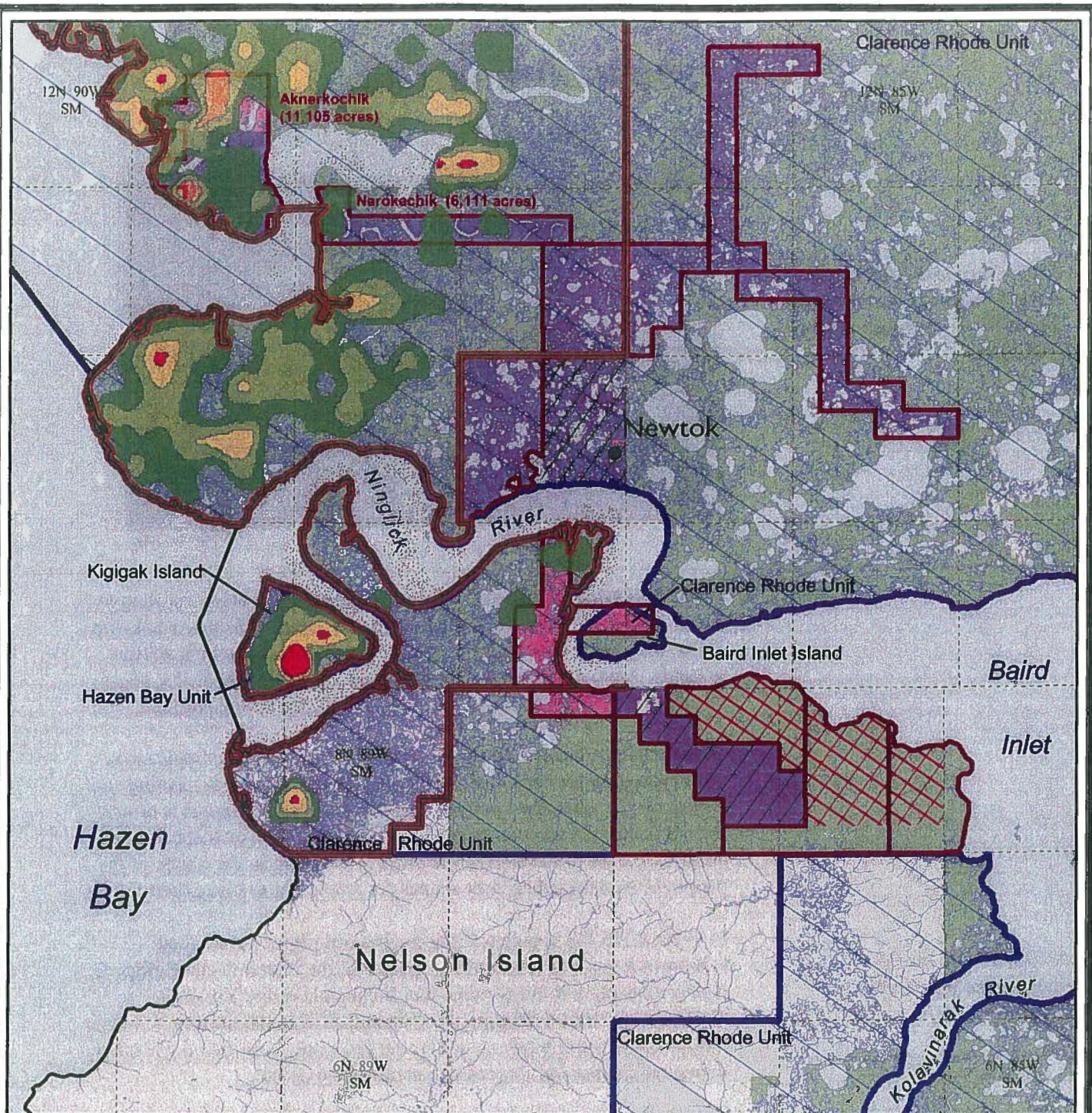
Spectacled Eiders: Spectacled eiders breed in the central coastal region of the Yukon Delta Refuge. One of just three primary nesting grounds for spectacled eiders worldwide, this area is the only subarctic breeding habitat where these large sea ducks occur at high density. With their population having declined 96 percent between the 1970s and 1990s, spectacled eiders were listed as threatened under the Endangered Species Act in 1993. This species' critical habitat includes portions of Nelson Island as well as lands at Aknerkochik and Narokachik.

Muskox on Nelson Island would be impacted by the proposed new village site.



Tim Bowman

Muskox: Muskox is identified in ANILCA as a conservation species for the Yukon Delta Refuge. Not native to the Yukon-Kuskokwim Delta, muskox were transplanted to the Refuge as a first step in reintroducing muskox to arctic Alaska. A population of approximately 300 animals lives on Nelson Island, and those that inhabit the northern end of the island would likely be impacted by the proximity of Newtok's proposed new village site.



0 1 2 3 4
Miles
0 1 2 3 4
Kilometers

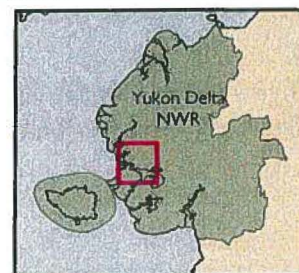
Spectacled Eider Density

- Low
- Medium
- Medium High
- High



Spectacled Eider Density and Distribution Proposed Newtok Exchange Area Yukon Delta National Wildlife Refuge

- Parcel Boundaries
- Original Proposal
- Excluded Areas
- Critical Habitat Boundary
- Newtok Conveyed
- Newtok Selected
- Other Status
- Refuge Land



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People of the Delta

The culture and lifestyle of delta residents is inextricably linked to the Refuge's natural resources.



USFWS File Photo

Subsistence: Subsistence use of waterfowl is vitally important to the residents of Newtok and others that live in the Yukon-Kuskokwim Delta, especially in the spring when birds first return to their nesting grounds. Annually, delta residents harvest over 100,000 ducks, geese, swans, and other birds, the equivalent of 350,000 pounds of food.

Delta residents have lived in one of the largest wetland complexes in North America for centuries. Residents understand that respecting and caring for the waterfowl populations these wetlands support is critical for the continued survival of both the birds and their own subsistence culture. Access to the land's resources is foremost in the minds of the people of Newtok while they search for a new site to place their village.

ANILCA legislated a subsistence priority for the Refuge.

In 1980, ANILCA legislated that the opportunity for continued subsistence use was one of the purposes of the Yukon Delta Refuge. It is very important to the Service that the people of the Yukon-Kuskokwim Delta, including the residents of Newtok, be able to pursue their subsistence lifestyle, and that the resources on which the residents depend are conserved for many generations to come.

An exchange should consider future growth of the village.

Population Growth: The population of the Yukon-Kuskokwim Delta has grown substantially over the past few decades, from 9,600 people in 1963, to more than 21,000 people today. The population of Newtok has also grown, from about 114 people in 1970 to 321 people in 2000. A land exchange with Newtok must include enough land to address future growth of the village, ancillary uses (e.g., ATV use) on non-refuge lands adjacent to a new village, and alternative sites for village infrastructure.

Closing

The people of Newtok face a difficult situation as their homes are threatened by the Ninglick River. Newtok residents have approached this adversity by taking proactive steps to relocate their village.

Under ANCSA, Newtok shareholders selected lands to meet their subsistence needs, not for development value. As a result, their lands do not offer a suitable village site. Other than moving to an established village, Newtok residents view Nelson Island as the only viable alternative location close to their existing lands.

Locating a village on Nelson Island is not without issue. The Yukon Delta Refuge manages some of the lands onto which the village wishes to relocate, and the Refuge was established, in part, to “conserve fish and wildlife populations and habitats in their natural diversity.” The Service supports the proposed move to Nelson Island. We also want to participate in siting decisions to avoid impacts on the Baird Inlet Island brant colony and the pristine lands in and around Nelson Island. The Service firmly believes that continued negotiation and careful planning can result in a solution that meets both village and refuge needs.



Tim Bowman

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