

105TH CONGRESS
1ST SESSION

S. 1092

To provide for a transfer of land interests in order to facilitate surface transportation between the cities of Cold Bay, Alaska, and King Cove, Alaska, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 30, 1997

Mr. MURKOWSKI introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide for a transfer of land interests in order to facilitate surface transportation between the cities of Cold Bay, Alaska, and King Cove, Alaska, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “King Cove Health and
5 Safety Act of 1997”.

6 **SEC. 2. LAND EXCHANGE.**

7 (a) IN GENERAL.—If, not later than 6 months after
8 the date of the enactment of this Act, the King Cove Cor-

1 poration transfers to the United States of all right, title,
2 and interest of the Corporation in and to the land de-
3 scribed in subsection (b), and any improvements thereon,
4 the Secretary of the Interior shall, not later than 30 days
5 after such transfer, grant the Aleutians East Borough a
6 perpetual right-of-way of 100 feet in width through the
7 land described in section 3(b), for the construction, oper-
8 ation, and maintenance of certain utility-related fixtures
9 and of a public road between the city of Cold Bay, Alaska,
10 and the city of King Cove, Alaska.

11 (b) LAND DESCRIPTION.—The Corporation land re-
12 ferred to in subsection (a) is that land in Sections 5, 6,
13 and 7 of T 57 S, R 88 W, Seward Meridian, Alaska.

14 (c) MANAGEMENT OF EXCHANGED CORPORATION
15 LAND.—Upon transfer to the United States of the Cor-
16 poration land referred to in subsection (a), such lands
17 shall be managed in accordance with Section 1302(i)(2)
18 of the Alaska National Interest Lands Conservation Act
19 of 1980 (Public Law 96–467).

20 (d) VALUATION.—The land interests transferred
21 under this Act are deemed to be of equal value.

22 **SEC. 3. RIGHT-OF-WAY.**

23 (a) SCOPE.—Unless otherwise agreed to by the Sec-
24 retary and the Aleutians East Borough, the right-of-way
25 granted under section 2 shall—

1 (1) include sufficient lands for logistical staging
2 areas and construction material sites used for the
3 construction and maintenance of a public road on
4 the right-of-way;

5 (2) meet all requirements for a public highway
6 right-of-way under the laws of the State of Alaska;
7 and

8 (3) include the right for the Aleutians East
9 Borough, or its assignees, to construct, operate, and
10 maintain electrical, telephone, or other utility facili-
11 ties and structures within the right-of-way.

12 (b) LOCATION.—Unless otherwise agreed by the Sec-
13 retary and the Aleutians East Borough, the right-of-way
14 granted under section 2 shall be located within—

15 (1) sections 2, 3, 10, and 11 of T 59 S, R 86
16 W, Seward Meridian, Alaska;

17 (2) sections 27, 28, 29, 30, 31, 32, 33, 34, and
18 35 of T 59 S, R 86 W, Seward Meridian, Alaska;

19 (3) sections 3, 4, 9, 10, 13, 14, 15, 16, 23, 24,
20 25, 26, and 36 of T 58 S, R 87 W, Seward Merid-
21 ian, Alaska;

22 (4) sections 5, 6, 7, 8, 9, 16, 17, 20, 21, 27,
23 28, 29, 32, 33, and 34 of T 57 S, R 87 W, Seward
24 Meridian, Alaska;

1 (5) sections 19, 20, 21, 22, 23, 24, 25, 26, 27,
2 28, 29, 30, 35, and 36, of T 56 S, R 87 W, Seward
3 Meridian, Alaska;

4 (6) sections 23, 24, 25, 26, 27, 34, 35, and 36
5 of T 56 S, R 88 W, Seward Meridian, Alaska;

6 (7) section 6 of T 57 S, R 88 W, Seward Me-
7 ridian, Alaska; and

8 (8) sections 1, 2, 11, and 12 of T 57 S, R 89
9 W, Seward Meridian, Alaska;

10 (c) CENTER LINE.—The center line of the right-of-
11 way referred to in subsection (b) shall be determined by
12 mutual agreement between the Secretary and the Aleu-
13 tians East Borough.

14 **SEC. 4. MISCELLANEOUS PROVISIONS.**

15 (a) DEFINITIONS.—As used in this Act:

16 (1) The term “Secretary” means the Secretary
17 of the Interior.

18 (2) The term “Corporation” means the King
19 Cove Corporation.

20 (b) PROTECTION OF RESOURCES.—The Secretary
21 and the Aleutians East Borough—

22 (1) shall, prior to any improvement to the right-
23 of-way, jointly develop and agree to reasonable terms
24 and conditions for the use of the right-of-way, in-
25 cluding the construction, operation, and maintenance

1 of the public road and utility-related fixtures, which
2 will protect the Federal lands, interest in lands, and
3 resources beneath and adjacent to the right-of-way
4 without imposing undue costs on either party; and

5 (2) May make mutually agreed upon modifica-
6 tions to any agreement reached pursuant to para-
7 graph (1).

8 (c) PROVISIONS NOT APPLICABLE.—The following
9 provisions of law shall not be applicable to any right-of-
10 way granted pursuant to this Act or to any road con-
11 structed on such right-of-way:

12 (1) Section 22(g) of the Alaska Native Claims
13 Settlement Act (43 U.S.C. 1621(g)).

14 (2) Title XI of the Alaska National Interest
15 Lands Conservation Act (16 U.S.C. 3161 et seq.),
16 except for the procedures set forth in section 1104
17 of that title (16 U.S.C. 3164).

18 (3) Section 303(c) of title 49, United States
19 Code.

20 (d) ADMINISTRATION.—The Secretary is authorized
21 to implement and administer the rights and obligations
22 of the Federal Government under any agreement reached
23 pursuant to subsection (b).

24 (e) SAVINGS PROVISIONS.—Implementation of any
25 agreement reached pursuant to subsection (b) shall not

1 be deemed to be a major Federal action significantly af-
2 fecting the quality of the human environment, nor shall
3 such implementation require further consideration pursu-
4 ant to the National Historic Preservation Act (16 U.S.C.
5 470 et seq.), title VIII of the Alaska National Interest
6 Lands Conservation Act (16 U.S.C. 3118 et seq.), or any
7 other law.

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