

110TH CONGRESS
1ST SESSION

H. R. 865

IN THE SENATE OF THE UNITED STATES

APRIL 18, 2007

Received

APRIL 23, 2007

Read twice and referred to the Committee on Energy and Natural Resources

AN ACT

To grant rights-of-way for electric transmission lines over
certain Native allotments in the State of Alaska.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Copper Valley Native
3 Allotment Resolution Act of 2007”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) ASSOCIATION.—The term “Association”
7 means the Copper Valley Electric Association.

8 (2) NATIVE ALLOTMENT.—

9 (A) IN GENERAL.—The term “Native allot-
10 ment” means—

11 (i) each of the following allotments
12 issued under the Act of May 17, 1906 (34
13 Stat. 197, chapter 2469):

14 (I) A-031653.

15 (II) A-043380.

16 (III) A-046337.

17 (IV) AA-5896.

18 (V) AA-6014, Parcel B.

19 (VI) AA-6034.

20 (VII) AA-7059.

21 (VIII) AA-7242, Parcel B.

22 (IX) AA-7336.

23 (X) AA-7552.

24 (XI) AA-7553.

25 (XII) AA-7554.

26 (XIII) AA-7600.

1 (XIV) AA-8032; and

2 (ii) any allotment for which a patent
3 or Certificate of Allotment has been issued
4 under the Act of May 17, 1906 (34 Stat.
5 197, chapter 2469) across which the Asso-
6 ciation maintains an electric transmission
7 line on the date of enactment of this Act.

8 (B) EXCLUSIONS.—The term “Native al-
9 lotment” does not include any allotment to
10 which the Secretary has approved the grant of
11 a right of way or issued a patent or Certificate
12 of Allotment that is subject to a right of way
13 held by the Association.

14 (3) SECRETARY.—The term “Secretary” means
15 the Secretary of the Interior.

16 (4) STATE.—The term “State” means the State
17 of Alaska.

18 **SEC. 3. ELECTRIC TRANSMISSION LINE RIGHTS-OF-WAY.**

19 (a) IN GENERAL.—There is granted to the Associa-
20 tion rights-of-way across the Native allotments for an elec-
21 tric transmission line owned by the Association.

22 (b) WIDTH.—After considering any information pro-
23 vided by the Association, allottee, or any other source that
24 the Secretary determines to be relevant, the Secretary
25 shall determine an accurate legal description of the rights-

1 of-way, the nature of the rights granted, and the widths
2 of the rights-of-way granted by subsection (a).

3 (c) CERTAIN AGREEMENTS.—Notwithstanding any
4 other provision of this Act, this Act does not apply to land
5 owned by Ahtna, Inc. and any prior or current right-of-
6 way agreements that may exist between Ahtna, Inc. and
7 the Copper Valley Electric Association or the State.

8 (d) COMPENSATION.—

9 (1) IN GENERAL.—The Secretary shall—

10 (A) appraise the value of the rights-of-way
11 granted under subsection (a);

12 (B) pay to any owner of a Native allotment
13 or, if the owner is deceased, an heir or assign
14 of the owner, compensation for the grant of a
15 right-of-way over the Native allotment in an
16 amount determined under paragraph (2);

17 (C) issue recordable instruments that indi-
18 cate the location of the rights-of-way over the
19 Native allotments;

20 (D) provide written notice of the com-
21 pensation procedure for the rights-of-way to—

22 (i) the owner of record for each Na-
23 tive allotment; or

1 (ii) if the owner of record is deceased,
2 the heir or assign of the owner of record;
3 and

4 (E) publish in the Federal Register and
5 any newspaper of general circulation within the
6 service area of the Association and location of
7 the relevant allotment—

8 (i) notice of the compensation proce-
9 dure established by this subsection; and

10 (ii) with respect to a Native allotment
11 described in section 2(2)(A)(ii), the loca-
12 tion of the right-of-way, as prepared by the
13 Association and provided to the Secretary,
14 in accordance with any requirements estab-
15 lished by the Secretary.

16 (2) CALCULATION OF PAYMENTS.—

17 (A) IN GENERAL.—For purposes of calcu-
18 lating the amount of compensation required
19 under paragraph (1)(B), the Secretary shall de-
20 termine, with respect to a portion of a Native
21 allotment encumbered by a right-of-way—

22 (i) compensation for each right-of-way
23 based on an appraisal conducted in con-
24 formity with the version of the Uniform
25 Appraisal Standards for Federal Land Ac-

1 quisitions that is correct as of the date of
2 the compensation proceeding; and

3 (ii) interest calculated based on the
4 section 3116 of title 40, United States
5 Code.

6 (B) DATE OF VALUATION.—For purposes
7 of subparagraph (A), the date of valuation of
8 the acquisition by the Association of each right-
9 of-way shall be considered to be the date of en-
10 actment of this Act.

11 (3) JUDICIAL REVIEW.—Notwithstanding any
12 other provision of law, judicial review under this
13 subsection shall be limited to a review of the deter-
14 mination of the Secretary under paragraph (2) re-
15 garding the compensation for a right-of-way over a
16 Native allotment.

17 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated such sums
19 as are necessary to carry out this Act.

Passed the House of Representatives April 17, 2007.

Attest: LORRAINE C. MILLER,
Clerk.