

Union Calendar No. 56

110TH CONGRESS
1ST SESSION

H. R. 865

[Report No. 110-91]

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 2007

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Natural Resources

APRIL 17, 2007

Committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

5 (2) NATIVE ALLOTMENT.—

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

8 (i) each of the following allotments
9 issued under the Act of May 17, 1906 (34
10 Stat. 197, chapter 2469):

11 (I) A-031653.

12 (II) A-043380.

13 (III) A-046337.

14 (IV) AA-5896.

15 (V) AA-6014, Parcel B.

16 (VI) AA-6034.

17 (VII) AA-7059.

18 (VIII) AA-7242, Parcel B.

19 (IX) AA-7336.

20 (X) AA-7552.

21 (XI) AA-7553.

22 (XII) AA-7554.

23 (XIII) AA-7600.

24 (XIV) AA-8032; and

25 (ii) any allotment for which a patent
26 or Certificate of Allotment has been issued

1 under the Act of May 17, 1906 (34 Stat.
2 197, chapter 2469) across which the Asso-
3 ciation maintains an electric transmission
4 line on the date of enactment of this Act.

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

11 (3) SECRETARY.—The term “Secretary” means
12 the Secretary of the Interior.

13 (4) STATE.—The term “State” means the State
14 of Alaska.

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

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

19 (b) WIDTH.—After considering any information pro-
20 vided by the Association, allottee, or any other source that
21 the Secretary determines to be relevant, the Secretary
22 shall determine an accurate legal description of the rights-
23 of-way, the nature of the rights granted, and the widths
24 of the rights-of-way granted by subsection (a).

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

6 (d) COMPENSATION.—

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

8 (A) appraise the value of the rights-of-way
9 granted under subsection (a);

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

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

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

20 (i) the owner of record for each Na-
21 tive allotment; or

22 (ii) if the owner of record is deceased,
23 the heir or assign of the owner of record;

24 and

1 (E) publish in the Federal Register and
2 any newspaper of general circulation within the
3 service area of the Association and location of
4 the relevant allotment—

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

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

13 (2) CALCULATION OF PAYMENTS.—

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

19 (i) compensation for each right-of-way
20 based on an appraisal conducted in con-
21 formity with the version of the Uniform
22 Appraisal Standards for Federal Land Ac-
23 quisitions that is correct as of the date of
24 the compensation proceeding; and

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

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

9 (3) SOURCE OF COMPENSATION PAYMENTS.—
10 Notwithstanding any other provision of law, any
11 compensation payments required by this subsection
12 shall be paid on a nonreimbursable basis from the
13 permanent judgment appropriation under section
14 1304 of title 31, United States Code.

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

21 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

22 There are authorized to be appropriated such sums
23 as are necessary to carry out this Act.

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