

Union Calendar No. 232

105TH CONGRESS
1ST Session

H. R. 2259

[Report No. 105-398]

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.

NOVEMBER 8, 1997

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

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IN THE HOUSE OF REPRESENTATIVES

JULY 24, 1997

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

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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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. LAND EXCHANGE.**

5 (a) **IN GENERAL.**—If, not later than 6 months after
6 the date of the enactment of this Act, the King Cove Cor-
7 poration transfers to the United States all right, title, and
8 interest of the Corporation in and to the land described
9 in subsection (b), and any improvements thereon, the Sec-
10 retary of the Interior shall, not later than 30 days after
11 such transfer, grant the Aleutians East Borough a perpet-
12 ual right-of-way of 100 feet in width through the lands
13 described in section 3(b), for the construction, operation,
14 and maintenance of certain utility-related fixtures and of
15 a public road between the city of Cold Bay, Alaska, and
16 the city of King Cove, Alaska.

17 (b) **LAND DESCRIPTION.**—The Corporation land re-
18 ferred to in subsection (a) is the land owned by the Cor-
19 poration in sections 5, 6, and 7 of T 57 S, R 88 W, Sew-
20 ard Meridian, Alaska.

21 (c) **MANAGEMENT OF EXCHANGED CORPORATION**
22 **LANDS.**—Upon transfer to the United States of the Cor-
23 poration land referred to in subsection (a), such lands
24 shall be managed in accordance with section 1302(i) of
25 the Alaska National Interest Lands Conservation Act.

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

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

5 (1) include sufficient lands for logistical staging
6 areas and construction material sites used for the
7 construction and maintenance of a public road on
8 the right-of-way;

9 (2) meet all requirements for a public highway
10 right-of-way under the laws of the State of Alaska;
11 and

12 (3) include the right for the Aleutians East
13 Borough, or its assignees, to construct, operate, and
14 maintain electrical, telephone, or other utility facili-
15 ties and structures within the right-of-way.

16 (b) LOCATION.—Unless otherwise agreed to by the
17 Secretary and the Aleutians East Borough, the right-of-
18 way granted under section 2 shall be located within—

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

21 (2) sections 27, 28, 29, 30, 31, 32, 33, 34, and
22 35 of T 59 S, R 86 W, Seward Meridian, Alaska;

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

1 (4) sections 5, 6, 7, 8, 9, 16, 17, 20, 21, 27,
2 28, 29, 32, 33, and 34 of T 57 S, R 87 W, Seward
3 Meridian, Alaska;

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

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

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

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

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

17 **SEC. 4. MISCELLANEOUS PROVISIONS.**

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

19 (1) The term “Secretary” means the Secretary
20 of the Interior.

21 (2) The term “Corporation” means the King
22 Cove Corporation.

23 (b) PROTECTION OF RESOURCES.—The Secretary
24 and the Aleutians East Borough—

1 (1) shall, prior to any improvement to the right-
2 of-way, jointly develop and agree to reasonable terms
3 and conditions for the use of the right-of-way, in-
4 cluding the construction, operation, and maintenance
5 of the public road and utility-related fixtures, which
6 will protect the Federal lands, interest in lands, and
7 resources beneath and adjacent to the right-of-way
8 without imposing undue costs on either party; and

9 (2) may make mutually agreed upon modifica-
10 tions to an agreement reached pursuant to para-
11 graph (1).

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

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

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

22 (3) Section 303(e) of title 49, United States
23 Code.

24 (d) ADMINISTRATION.—The Secretary is authorized
25 to implement and administer the rights and obligations

1 of the Federal Government under any agreement reached
2 pursuant to subsection (b).

3 (e) SAVINGS PROVISIONS.—Implementation of any
4 agreement reached pursuant to subsection (b) shall not
5 be deemed to be a major Federal action significantly af-
6 fecting the quality of the human environment, nor shall
7 such implementation require further consideration pursu-
8 ant to the National Historic Preservation Act (16 U.S.C.
9 470 et seq.), title VIII of the Alaska National Interest
10 Lands Conservation Act (16 U.S.C. 3118 et seq.), or any
11 other law.