

105TH CONGRESS
1ST SESSION

H. R. 2259

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 HOUSE OF REPRESENTATIVES

JULY 24, 1997

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on 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 all right, title, and
2 interest of the Corporation in and to the land described
3 in subsection (b), and any improvements thereon, the Sec-
4 retary of the Interior shall, not later than 30 days after
5 such transfer, grant the Aleutians East Borough a perpet-
6 ual right-of-way of 100 feet in width through the lands
7 described in section 3(b), for the construction, operation,
8 and maintenance of certain utility-related fixtures and of
9 a public road between the city of Cold Bay, Alaska, and
10 the city of King Cove, Alaska.

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

15 (c) MANAGEMENT OF EXCHANGED CORPORATION
16 LANDS.—Upon transfer to the United States of the Cor-
17 poration land referred to in subsection (a), such lands
18 shall be managed in accordance with section 1302(i) of
19 the Alaska National Interest Lands Conservation Act.

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

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

24 (1) include sufficient lands for logistical staging
25 areas and construction material sites used for the

1 construction and maintenance of a public road on
2 the right-of-way;

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

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

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

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

15 (2) sections 27, 28, 29, 30, 31, 32, 33, 34, and
16 35 of T 59 S, R 86 W, Seward Meridian, Alaska;

17 (3) sections 3, 4, 9, 10, 13, 14, 15, 16, 23, 24,
18 25, 26, and 36 of T 58 S, R 87 W, Seward Merid-
19 ian, Alaska;

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

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

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

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

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

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

11 **SEC. 4. MISCELLANEOUS PROVISIONS.**

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

13 (1) The term “Secretary” means the Secretary
14 of the Interior.

15 (2) The term “Corporation” means the King
16 Cove Corporation.

17 (b) PROTECTION OF RESOURCES.—The Secretary
18 and the Aleutians East Borough—

19 (1) shall, prior to any improvement to the right-
20 of-way, jointly develop and agree to reasonable terms
21 and conditions for the use of the right-of-way, in-
22 cluding the construction, operation, and maintenance
23 of the public road and utility-related fixtures, which
24 will protect the Federal lands, interest in lands, and

1 resources beneath and adjacent to the right-of-way
2 without imposing undue costs on either party; and

3 (2) may make mutually agreed upon modifica-
4 tions to an agreement reached pursuant to para-
5 graph (1).

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

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

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

16 (3) Section 303(e) of title 49, United States
17 Code.

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

22 (e) SAVINGS PROVISIONS.—Implementation of any
23 agreement reached pursuant to subsection (b) shall not
24 be deemed to be a major Federal action significantly af-
25 fecting the quality of the human environment, nor shall

1 such implementation require further consideration pursu-
2 ant to the National Historic Preservation Act (16 U.S.C.
3 470 et seq.), title VIII of the Alaska National Interest
4 Lands Conservation Act (16 U.S.C. 3118 et seq.), or any
5 other law.

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