

109TH CONGRESS
2D SESSION

S. 3000

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

IN THE SENATE OF THE UNITED STATES

MAY 24, 2006

Mr. STEVENS (for himself and Ms. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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 2006”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

10 (2) NATIVE ALLOTMENT.—

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

3 (i) each of the following allotments
4 issued under the Act of May 17, 1906 (34
5 Stat. 197, chapter 2469)—

6 (I) A–031653;

7 (II) A–043380;

8 (III) A–046337;

9 (IV) AA–5896;

10 (V) AA–6014, Parcel B;

11 (VI) AA–6034;

12 (VII) AA–7059;

13 (VIII) AA–7242, Parcel B;

14 (IX) AA–7336;

15 (X) AA–7552;

16 (XI) AA–7553;

17 (XII) AA–7554;

18 (XIII) AA–7600;

19 (XIV) AA–8032; and

20 (ii) any allotment for which a patent
21 or Certificate of Allotment has been issued
22 under the Act of May 17, 1906 (34 Stat.
23 197, chapter 2469) across which the Asso-
24 ciation maintains an electric transmission
25 line on the date of enactment of this Act.

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

7 (3) SECRETARY.—The term “Secretary” means
 8 the Secretary of the Interior.

9 (4) STATE.—The term “State” means the State
 10 of Alaska.

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

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

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

21 (c) RATIFICATION OF EXISTING RIGHTS-OF-WAYS.—

22 (1) IN GENERAL.—Except as provided in para-
 23 graph (2), any electric transmission right-of-way or
 24 conveyance within a federally granted highway ease-

1 ment granted by the State to the Association before
2 the date of enactment of this Act is ratified.

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

9 (d) COMPENSATION.—

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

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

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

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

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

23 (i) the owner of record for each Na-
24 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 on
10 which the Association first entered upon the
11 Native allotment at issue to develop the utility
12 line of the Association, as determined by the
13 Secretary.

14 (3) SOURCE OF COMPENSATION PAYMENTS.—
15 Notwithstanding any other provision of law, any
16 compensation payments required by this subsection
17 shall be paid on a nonreimbursable basis from the
18 permanent judgment appropriation under section
19 1304 of title 31, United States Code.

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

1 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated such sums
3 as are necessary to carry out this Act.

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