

115TH CONGRESS
1ST SESSION

S. 101

To provide for the exchange of Federal land and non-Federal land in the State of Alaska for the construction of a road between King Cove and Cold Bay.

IN THE SENATE OF THE UNITED STATES

JANUARY 11, 2017

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

A BILL

To provide for the exchange of Federal land and non-Federal land in the State of Alaska for the construction of a road between King Cove and Cold Bay.

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 Road Land
5 Exchange Act”.

6 **SEC. 2. FINDING.**

7 Congress finds that the land exchange required under
8 this Act (including the designation of the road corridor

1 and the construction of the road along the road corridor)
 2 is in the public interest.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) FEDERAL LAND.—

6 (A) IN GENERAL.—The term “Federal
 7 land” means the approximately 206 acres of
 8 Federal land located within the Refuge as de-
 9 picted on the map entitled “Project Area Map”
 10 and dated September 2012.

11 (B) INCLUSION.—The term “Federal
 12 land” includes the 131 acres of Federal land in
 13 the Wilderness, which shall be used for the road
 14 corridor along which the road is to be con-
 15 structed in accordance with section 4(b)(2).

16 (2) NON-FEDERAL LAND.—The term “non-Fed-
 17 eral land” means the approximately 43,093 acres of
 18 land owned by the State as depicted on the map en-
 19 titled “Project Area Map” and dated September
 20 2012.

21 (3) REFUGE.—The term “Refuge” means the
 22 Izembek National Wildlife Refuge in the State.

23 (4) ROAD CORRIDOR.—The term “road cor-
 24 ridor” means the road corridor designated under
 25 section 4(b)(1).

1 (5) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (6) STATE.—The term “State” means the State
4 of Alaska.

5 (7) WILDERNESS.—The term “Wilderness”
6 means the Izembek Wilderness designated by section
7 702(6) of the Alaska National Interest Lands Con-
8 servation Act (16 U.S.C. 1132 note; Public Law 96–
9 487).

10 **SEC. 4. LAND EXCHANGE REQUIRED.**

11 (a) IN GENERAL.—If the State offers to convey to
12 the Secretary all right, title, and interest of the State in
13 and to the non-Federal land, the Secretary shall convey
14 to the State all right, title, and interest of the United
15 States in and to the Federal land.

16 (b) USE OF FEDERAL LAND.—The Federal land
17 shall be conveyed to the State for the purposes of—

18 (1) designating a road corridor through the
19 Refuge; and

20 (2) constructing a single-lane gravel road along
21 the road corridor subject to the requirements in sec-
22 tion 6.

23 (c) VALUATION, APPRAISALS, AND EQUALIZATION.—

1 (1) IN GENERAL.—The value of the Federal
 2 land and the non-Federal land to be exchanged
 3 under this section—

4 (A) shall be equal, as determined by ap-
 5 praisals conducted in accordance with para-
 6 graph (2); or

7 (B) if not equal, shall be equalized in ac-
 8 cordance with paragraph (3).

9 (2) APPRAISALS.—

10 (A) IN GENERAL.—As soon as practicable
 11 after the date of enactment of this Act, the Sec-
 12 retary and State shall select an appraiser to
 13 conduct appraisals of the Federal land and non-
 14 Federal land.

15 (B) REQUIREMENTS.—The appraisals re-
 16 quired under subparagraph (A) shall be con-
 17 ducted in accordance with nationally recognized
 18 appraisal standards, including—

19 (i) the Uniform Appraisal Standards
 20 for Federal Land Acquisitions; and

21 (ii) the Uniform Standards of Profes-
 22 sional Appraisal Practice.

23 (3) EQUALIZATION.—

24 (A) SURPLUS OF FEDERAL LAND.—If the
 25 final appraised value of the Federal land ex-

ceeds the final appraised value of the non-Federal land to be conveyed under the land exchange under this section, the value of the Federal land and non-Federal land shall be equalized—

(i) by conveying additional non-Federal land in the State to the Secretary, subject to the approval of the Secretary;

(ii) by the State making a cash payment to the United States; or

(iii) by using a combination of the methods described in clauses (i) and (ii).

(B) SURPLUS OF NON-FEDERAL LAND.—If the final appraised value of the non-Federal land exceeds the final appraised value of the Federal land to be conveyed under the land exchange under this section, the value of the Federal land and non-Federal land shall be equalized by the State adjusting the acreage of the non-Federal land to be conveyed.

(C) AMOUNT OF PAYMENT.—Notwithstanding section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), the Secretary may accept a payment

1 under subparagraph (A)(ii) in excess of 25 per-
 2 cent of the value of the Federal land conveyed.

3 (d) ADMINISTRATION.—On completion of the ex-
 4 change of Federal land and non-Federal land under this
 5 section—

6 (1) the boundary of the Wilderness shall be
 7 modified to exclude the Federal land; and

8 (2) the non-Federal land shall be—

9 (A) added to the Wilderness; and

10 (B) administered in accordance with—

11 (i) the Wilderness Act (16 U.S.C.
 12 1131 et seq.); and

13 (ii) other applicable laws.

14 (e) DEADLINE.—The land exchange under this sec-
 15 tion shall be completed not later than 180 days after the
 16 date of enactment of this Act.

17 **SEC. 5. ROUTE OF ROAD CORRIDOR.**

18 The route of the road corridor shall follow the south-
 19 ern road alignment as described in the alternative entitled
 20 “Alternative 2-Land Exchange and Southern Road Align-
 21 ment” in the final environmental impact statement enti-
 22 tled “Izembek National Wildlife Refuge Land Exchange/
 23 Road Corridor Final Environmental Impact Statement”
 24 and dated February 5, 2013.

1 **SEC. 6. REQUIREMENTS RELATING TO ROAD.**

2 The requirements relating to usage, barrier cables,
3 and dimensions and the limitation on support facilities
4 under subsections (a) and (b) of section 6403 of the Omni-
5 bus Public Land Management Act of 2009 (Public Law
6 111–11; 123 Stat. 1180) shall apply to the road con-
7 structed in the road corridor.

8 **SEC. 7. EFFECT.**

9 The exchange of Federal land and non-Federal land
10 and the road to be constructed under this Act (including
11 the issuance of any permit that may be required from any
12 Federal agency to construct the road) shall not constitute
13 a major Federal action for purposes of the National Envi-
14 ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

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