

HJR

6

<TARGET><BILL>HJR 6</BILL><SUBJECT>HJR
6</SUBJECT><COMM>SRES30</COMM></TARGET>



Explanation of Changes in CSHJR6(RES)am

CS for House Joint Resolution 6 "Support Road: King Cove & Cold Bay"

In the House Resources Committee, a committee substitute (CS) for HJR 6 corrected a drafting error.

The original draft included incorrect bill numbers when referring to legislation introduced by Sen. Lisa Murkowski and Congressman Don Young. The committee substitute corrected those bill numbers.

Specifically, the changes were as follows:

Page 3, Line 2:

"S. 3204 and H.R. 5777" was deleted and replaced with "S. 101 and H.R. 218."

Page 3, Line 6:

"S. 3204" was deleted and replaced with "S. 101."

Page 3, Line 7:

"H.R. 5777" was deleted and replaced with "H.R. 218."

On the House floor, CSHJR6(RES) was amended to bring the resolution into clearer alignment with the state regarding ongoing litigation with the U.S. Department of Interior.

The state of Alaska is currently in litigation against the Department of Interior over whether the federal legislative authority established in 2009 for the King Cove land exchange has expired. It is the state's position that it has not.

This amendment removed language from the resolution that might have been perceived to conflict with the state's position.

Technically, the floor amendment was as follows:

Page 2, Line 29 through Page 3, Line 1:

Delete all material.

Page 3, Line 3:

Delete "once again provide" and insert "ensure continuing"

SENATE COMMITTEE REPORT

DATE: 2/3/17

FURTHER: Rules
 DATE TURNED IN TO OFFICE: 02/06/17

Resources Committee considered CS FOR HOUSE JOINT RESOLUTION NO. 6(RES) am

HJR 6-SUPPORT ROAD: KING COVE & COLD BAY

Expressing the Alaska State Legislature's support and appreciation for legislation introduced by the state's congressional delegation that would allow for the construction of a single-lane gravel road through the Izembek National Wildlife Refuge, connecting the community of King Cove with the Cold Bay Airport; and urging the United States Congress to pass the legislation.

and recommends:

- be replaced with SCS _____ (_____) Same Title Technical Title Change
 New Title/SCR No. _____
- adopt previous SCS _____ (_____) Same Title Technical Title Change
 New Title/SCR No. _____
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
EED	MVA
DEC	DNR
DFG	DPS
GOV	REV
DHS	DOT
AJS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
LEG			✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do NOT PASS	No REC	AMEND
	Wielochowski	✓			
	Hughes	✓			
	COGHILL	✓			
	Von Imhof	✓			
	Stedman	✓			
	Meyer	✓			
CHAIR:	Giessel	✓			

Fiscal Note

State of Alaska
2017 Legislative Session

Bill Version:	CSHJR 6(RES)
Fiscal Note Number:	1
(H) Publish Date:	1/30/2017

Identifier: HJR6-LEG-SESS-01-25-17
 Title: SUPPORT ROAD: KING COVE & COLD BAY
 Sponsor: EDGMON
 Requester: HOUSE RESOURCES

Department:
 Appropriation:
 Allocation:
 OMB Component Number: 0

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2018	Included in	Out-Year Cost Estimates					
	Appropriation Requested	Governor's FY2018 Request	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
OPERATING EXPENDITURES	FY 2018	FY 2018						
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues

Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
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Estimated SUPPLEMENTAL (FY2017) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2018) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency?
 If yes, by what date are the regulations to be adopted, amended or repealed?







Why this fiscal note differs from previous version:

Initial version. One page. Zero note.

Prepared By:	Jessica Geary, Finance Manager	Phone:	(907)465-6626
Division:	Legislative Affairs Agency	Date:	01/25/2017 10:45 AM
Approved By:	Pam Varni, Executive Director	Date:	01/25/2017
Agency:	Legislative Affairs Agency		

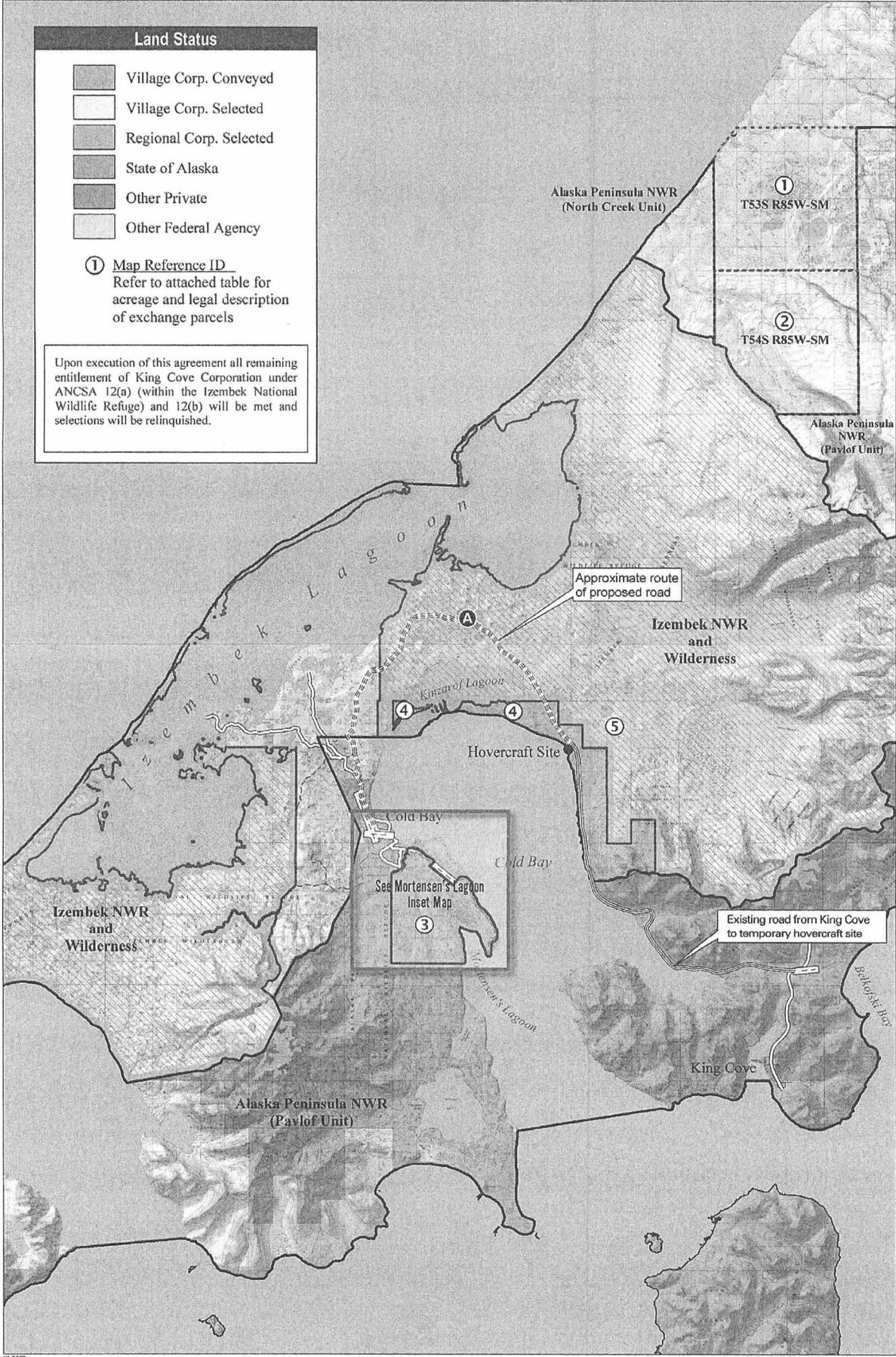
Izembek and Alaska Peninsula National Wildlife Refuges
Alaska

Land Status

-  Village Corp. Conveyed
-  Village Corp. Selected
-  Regional Corp. Selected
-  State of Alaska
-  Other Private
-  Other Federal Agency

① **Map Reference ID**
Refer to attached table for acreage and legal description of exchange parcels

Upon execution of this agreement all remaining entitlement of King Cove Corporation under ANCSA 12(a) (within the Izembek National Wildlife Refuge) and 12(b) will be met and selections will be relinquished.



King Cove Deaths

1. **Tom Phillips** – After losing his leg in a fishing boat accident, Phillips was killed on Dec. 12, 1980, in a plane crash at King Cove while trying to connect with a flight waiting in Cold Bay to take him to an Anchorage hospital. *Anchorage Daily News, 12.15.1980.*
2. **Darien Gorsinger** – Community volunteer. From Washington state, fishing in King Cove. Died in a Dec. 12, 1980, plane crash evacuating injured Seattle fisherman Tom Phillips. *Anchorage Daily News, 12.15.1980.*
3. **Cathy Hoff** – King Cove nurse. Died Dec. 12, 1980, in plane crash transporting a severely injured patient out of King Cove. Cathy was the only care provider in King Cove at the time. *Anchorage Daily News, 12.15.1980.*
4. **John Dattoli** – Pilot. Died Dec. 12, 1980, in plane crash transporting patient out of King Cove. *Anchorage Daily News, 12.15.1980.*
5. **Six people** – Died July 15, 1981, when their plane crashed into a hillside flying into King Cove in heavy fog and rain. Fatalities included Ernie Fife of Anchorage; George Brandell of Anchorage; Ruth Croxton of Barrow; Jim Shihey; Larry Woods; and Al Hughes of Seattle, Washington. *The Anchorage Times.*
6. **Christine Dushkin** – Suffered a heart attack and died of exertion climbing onto the Cold Bay dock following medical evacuation aboard a fishing boat from King Cove in 1982. She was 67.
7. **Mary Dobson** – Suffered from frequent seizures but often had to wait two or three days in bad weather before being able to reach medical treatment in Anchorage. She died in April 1983. She was age 53.
8. **Walter Samuelson** – Suffered a major heart attack and died after his body rejected a heart transplant, due to complications caused by being forced to wait two days for medical evacuation because of bad weather. Died Feb. 1, 1990.
9. **Wayne Brockman** – Died flying between King Cove and Cold Bay when his plane crashed into the mountain ridge north of King Cove in snow squalls on Feb. 17, 1990. *The Anchorage Times.*
10. **Ernest Mack** – Died in March 1997, after being forced to wait in King Cove for four days to get to medical care in Anchorage. He was 67.

11. **R. B.** (mother does not want her name released) – Lost newborn twins in July 2007, after going into labor prematurely and being unable to reach adequate medical facilities. Both babies were born weighing less than 2 pounds each. One baby lived just a week, the other died within two months.
12. **Harry Gould Sr.** – Suffered congestive heart failure but was unable, due to bad weather, to be flown to an Anchorage hospital for treatment in a timely manner. Died August 26, 2000. He was 80.
13. **Wayne Brokman** – Died Feb. 17, 1996, when the Peninsula Airlines plane he was piloting crashed in poor weather conditions on a flight between King Cove and Cold Bay. He was 42. *Anchorage Times* 2-18-96, *Anchorage Daily News* 2-19-96.

Total number of deaths: 19

Source: National Transportation Safety Board, Congressional Record, Anchorage Times, Anchorage Daily News, and testimony by the people of King Cove, Alaska.

Prepared by the Aleutians East Borough.

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-

1 ceeds the final appraised value of the non-Fed-
2 eral land to be conveyed under the land ex-
3 change under this section, the value of the Fed-
4 eral land and non-Federal land shall be equal-
5 ized—

6 (i) by conveying additional non-Fed-
7 eral land in the State to the Secretary,
8 subject to the approval of the Secretary;

9 (ii) by the State making a cash pay-
10 ment to the United States; or

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

13 (B) SURPLUS OF NON-FEDERAL LAND.—If
14 the final appraised value of the non-Federal
15 land exceeds the final appraised value of the
16 Federal land to be conveyed under the land ex-
17 change under this section, the value of the Fed-
18 eral land and non-Federal land shall be equal-
19 ized by the State adjusting the acreage of the
20 non-Federal land to be conveyed.

21 (C) AMOUNT OF PAYMENT.—Notwith-
22 standing section 206(b) of the Federal Land
23 Policy and Management Act of 1976 (43 U.S.C.
24 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.).

○

115TH CONGRESS
1ST SESSION

H. R. 218

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 HOUSE OF REPRESENTATIVES

JANUARY 3, 2017

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

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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.

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1 (1) IN GENERAL.—The value of the Federal
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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-

1 ceeds the final appraised value of the non-Fed-
2 eral land to be conveyed under the land ex-
3 change under this section, the value of the Fed-
4 eral land and non-Federal land shall be equal-
5 ized—

6 (i) by conveying additional non-Fed-
7 eral land in the State to the Secretary,
8 subject to the approval of the Secretary;

9 (ii) by the State making a cash pay-
10 ment to the United States; or

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

13 (B) SURPLUS OF NON-FEDERAL LAND.—If
14 the final appraised value of the non-Federal
15 land exceeds the final appraised value of the
16 Federal land to be conveyed under the land ex-
17 change under this section, the value of the Fed-
18 eral land and non-Federal land shall be equal-
19 ized by the State adjusting the acreage of the
20 non-Federal land to be conveyed.

21 (C) AMOUNT OF PAYMENT.—Notwith-
22 standing section 206(b) of the Federal Land
23 Policy and Management Act of 1976 (43 U.S.C.
24 1716(b)), the Secretary may accept a payment

1 under subparagraph (A)(ii) in excess of 25 per-
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4 change of Federal land and non-Federal land under this
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7 modified to exclude the Federal land; and

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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-
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20 “Alternative 2-Land Exchange and Southern Road Align-
21 ment” in the final environmental impact statement enti-
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24 and dated February 5, 2013.

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

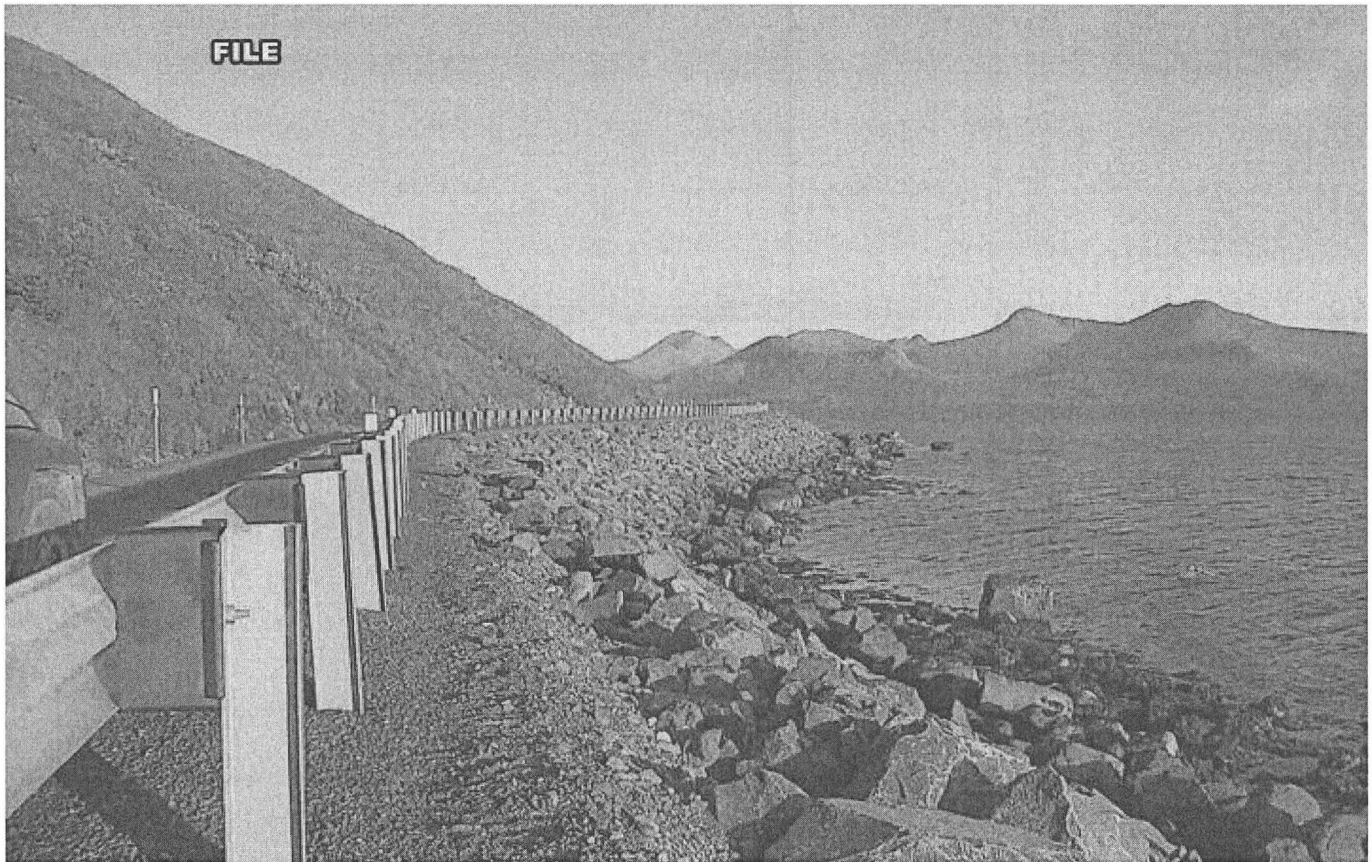
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3 and dimensions and the limitation on support facilities
4 under subsections (a) and (b) of section 6403 of the Omni-
5 bus Public Land Management Act of 2009 (Public Law
6 111–11; 123 Stat. 1180) shall apply to the road con-
7 structed in the road 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 shall not
11 constitute a major Federal action for purposes of the Na-
12 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
13 et seq.).

○

Alaska's U.S. Senators introduce King Cove road legislation



By Dan Carpenter |

Posted: Wed 9:10 PM, Jan 11, 2017 |

Updated: Thu 9:17 AM, Jan 12, 2017



KING COVE, Alaska (KTUU) - Both Senators Lisa Murkowski and Dan Sullivan introduced a bill Wednesday authorizing a land exchange that would allow a road between King Cove and Cold Bay to be built. The proposed 11 mile, single lane gravel road would go through designated wilderness in the Izembek National Wildlife Refuge.

“After years of secretarial apathy, I am eager to work with a new administration and a new Interior Secretary to restore common sense, resolve this horrible injustice, and end their needless pain and suffering,” said Murkowski.

The city of King Cove, its tribes, corporation and borough support the road as a way of transporting people to King Cove and its all-weather airport during medical emergencies. “There are times that it will be our lifeline,” said King Cove Corporation Spokesperson Della Trumble. She says the community has been fighting for the road for at least 40 years.

The State of Alaska and federal land exchange was halted in 2013 by Interior Secretary Sally Jewell, a decision upheld by the U.S. District Court in 2015. “There’s a lot of scientific evidence that roads impact habitat,

wildlife habitat, and sensitive wetlands habitat and while I can appreciate that the community of King Cove feels that It would do a good job in stewarding this area, there's no question that there would be impacts from the road," said The Wilderness Society Regional Director Nicole Whittington-Evans.

The refuge is habitat to migratory birds from several continents and at least eight environmental groups oppose the road.

"Those birds will always be there. When you compare it to the amount of sport hunting and other things that have happened there, it just doesn't make any sense," said Trumble.

Senator Murkowski said in December that Donald Trump's pick for Interior Secretary Ryan Zinke indicated support for the road.