



H.R. 218 — King Cove Road Land Exchange Act (Rep. Young, R-AK)

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FLOOR SCHEDULE:

Scheduled for consideration on July 12, 2017 under a structured [rule](#).

TOPLINE SUMMARY:

[H.R. 218](#) would authorize a land conveyance between the State of Alaska and the United States.

COST:

The Congressional Budget Office (CBO) [estimates](#) that the bill will not affect direct spending because none of the federal lands involved in the conveyance will generate receipts over the next 10 years. The bill would incur administrative costs less than \$500,000, subject to appropriation. The bill would not affect direct spending, so pay-as-you-go would not apply.

CONSERVATIVE CONCERNS:

There are no substantive concerns.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

This bill would authorize a land conveyance between the State of Alaska and the United States in order to build a road through the Izembek National Wildlife Refuge. Currently, there is no road connecting the city of King Cove to an airport located in Cold Bay. As a result, the 965 residents of King Cove have only less than reliable ways to reach a hospital in medical emergencies. According to the Senate Energy and Natural Resources Committee, the absence of a road to Cold Bay has been resulted in at least [19 deaths](#).

The federal land included in this land conveyance consists of 206 acres within the [Izembek National Wildlife Refuge](#) within Alaska. The Alaskan land consists of 43,093 acres. Alaska would be authorized to designate a road corridor through the Izembek National Wildlife Refuge and build a one-lane gravel road along the road corridor on the land they receive from the U.S.

The land exchanged must be appraised of equal value. If the federal land exceeds the appraised value of the state land, the state must either equalize the value by including more land, making a cash payment, or both. The Secretary of the Interior is allowed to accept a payment over 25% of the value of the federal land being

conveyed. If the non-state land exceeds the appraised value of the federal land, the state must adjust the acreage of the state land to be conveyed.

Once the conveyance is completed, the land transferred to the federal government will be added to the Izembek Wilderness.

The conveyance must be completed within 180 days of enactment.

The bill states that the conveyance shall not constitute a major federal action with respect to the National Environmental Policy Act ([42 U.S.C. 4321 et seq.](#)).

The House Report (H. Rept. 115-218) accompanying H.R. 218 can be found [here](#).

AMENDMENTS:

1. [Rep. Young](#) (R-AK) – This amendment would prohibit the issuance of federal permits to construct the road from constituting a major federal action with respect to [42 U.S.C. 4321 et seq.](#)
2. [Rep. Tsongas](#) (D-MA) – This amendment would ensure the mitigation requirements under section 6403(e) of the Omnibus Public Land Management Act of 2009 ([Public Law 111-11](#)) apply to the road. Under that section the Secretary of the Interior is required to develop a mitigation plan based on the environmental impact statement. The mitigation plan must include measures to alter or delay construction during times of the year when there is a greater risk of impact to wildlife.
3. [Rep. Grijalva](#) (D-AZ) – This amendment would prevent the bill from taking effect until the State of Alaska repays the United States \$20 million as paid to Alaska under 353(a) of [Public Law 105-277](#). In 1999 Congress passed the Omnibus Consolidated and Emergency Supplemental Appropriations Act, which appropriated \$20 million to construct a marine-road link between King Cove and Cold Bay. The marine-road link was constructed, a hovercraft facility was built and a hovercraft began operation in 2007. The hovercraft operated between King Cove and Cold Bay until 2010, when the Aleutians East Borough decided to cease operations because of poor reliability and high costs. The hovercraft could not operate [30 percent](#) of the time as a result of maintenance and the fact that the hovercraft could not operate in winds over 30 mph or waves over 6 feet. In addition, the hovercraft had to be subsidized over [\\$1 million](#) annually by the local government, which was not financially feasible for the small government. The hovercraft was eventually relocated to serve for transportation between Akutan and Akun. As a result, King Cove residents are once again left without reliable transportation in case of medical emergencies. Some conservatives may be concerned that the ultimate effect of the amendment would be to require the local residents to make a payment to the federal government in order to make productive use of federal land in addition to compensating the taxpayer for the land itself. Some conservatives may view such practice as potentially extortionary. While the 1999 law prohibited the use of the \$20 million for construction in the wilderness area, it in no way precluded Congress from altering this policy at a later date if circumstances merited such a change.

COMMITTEE ACTION:

H.R. 218 was introduced on January 3, 2017. The bill was referred to the House Committee on Natural Resources where a mark-up was held and the bill was reported by a vote of 23-14.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the bill's sponsor: Congress has the power to enact this legislation pursuant to the following: "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State."

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