

110TH CONGRESS  
1ST SESSION

# S. 1680

To provide for the inclusion of certain non-Federal land in the Izembek National Wildlife Refuge and the Alaska Peninsula National Wildlife Refuge in the State of Alaska, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

JUNE 21, 2007

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

---

## A BILL

To provide for the inclusion of certain non-Federal land in the Izembek National Wildlife Refuge and the Alaska Peninsula National Wildlife Refuge in the State of 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 “Izembek and Alaska  
5       Peninsula Refuge and Wilderness Enhancement Act of  
6       2007”.

7       **SEC. 2. FINDINGS.**

8       Congress finds that—

1 (1) King Cove, Alaska, is—

2 (A) located 625 air miles from Anchorage,  
3 Alaska, on the south side of the Alaska Penin-  
4 sula, on a sand spit fronting Deer Passage and  
5 Deer Island;

6 (B) accessible only by air and water; and

7 (C) 1 of the most geographically isolated  
8 areas of the State of Alaska;

9 (2) constant adverse weather and limiting phys-  
10 ical topography make traveling in and out of King  
11 Cove directly by air dangerous and impractical much  
12 of the time;

13 (3) King Cove is the homeland of Aleut people  
14 who—

15 (A) are federally recognized as indigenous  
16 peoples of the United States;

17 (B) have fished, hunted, and subsisted in  
18 King Cove for over 4,000 years; and

19 (C) refer to the King Cove community as  
20 “Agdaagux”;

21 (4) the Agdaagux Tribal Council, which is the  
22 federally recognized tribal government for King  
23 Cove, recognizes that most residents of King Cove  
24 are direct descendants of the original Aleut inhab-  
25 itants;

1           (5) in the 1940s, an airport capable of access  
2       by jets was constructed by the United States Army  
3       at Cold Bay, which is approximately 25 surface  
4       miles north of King Cove, to support World War II  
5       related national security needs;

6           (6) while the Cold Bay Airport, which is now a  
7       civilian airport operated by the State of Alaska, is  
8       the lifeline for the King Cove people to the outside  
9       world, particularly for the life, safety, and health  
10      needs of the indigenous residents, there is no surface  
11      access between King Cove and the airport;

12          (7) nearly all of the land between King Cove  
13      and Cold Bay is—

14                (A) owned by the Federal Government as  
15                part of the Izembek National Wildlife Refuge;  
16                and

17                (B) managed as wilderness; and

18          (8) the Agdaagux Tribal Council—

19                (A) maintains that the Council and the in-  
20                digenous Aleut people of King Cove were not  
21                consulted before the land that separates resi-  
22                dents from the nearest all-weather airport was  
23                designated as wilderness, even though approxi-  
24                mately 1,292 people across the United States,  
25                Canada, and Europe—

1 (i) received notice of the potential des-  
2 ignation; and

3 (ii) during 1969 and 1970, were ex-  
4 pressly invited by the Bureau of Sport  
5 Fisheries and Wildlife, the predecessor of  
6 the United States Fish and Wildlife Serv-  
7 ice, to participate in the process of consid-  
8 ering whether the land should be managed  
9 as wilderness;

10 (B) regards the failure of the Federal Gov-  
11 ernment to consult with the Council and the in-  
12 digenous Aleut people of King Cove as a  
13 “wrong and troubling action taken by the fed-  
14 eral government”;

15 (C) submits that dozens of King Cove resi-  
16 dents have died or suffered grave health con-  
17 sequences in the past 30 years because the resi-  
18 dents could not reach timely medical assistance  
19 in Anchorage, Alaska, that can only be accessed  
20 via the all-weather Cold Bay Airport; and

21 (D) has expressed the full endorsement  
22 and support of the Council for the construction  
23 of a road between King Cove and the Cold Bay  
24 Airport as an expression of, and commitment  
25 to, self-determination for the Aleut people of

1 King Cove who were not consulted before the  
 2 land vital to the survival of the Aleut people of  
 3 King Cove was designated as wilderness.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) **FEDERAL LAND.**—The term “Federal land”  
 7 means—

8 (A) the approximately 206 acres of Federal  
 9 land within the Izembek National Wildlife Ref-  
 10 uge in the State that is depicted on the map as  
 11 “King Cove Road”; and

12 (B) the approximately 1,600 acres of Fed-  
 13 eral land that is depicted on the map as  
 14 “Sitkinak Island”.

15 (2) **LANDOWNER.**—The term “landowner”  
 16 means—

17 (A) the State; and

18 (B) the other owners of the non-Federal  
 19 land, including King Cove Corporation.

20 (3) **MAP.**—The term “map” means the map en-  
 21 titled “Proposed Land Enhancements” and dated  
 22 June 2007.

23 (4) **NON-FEDERAL LAND.**—The term “non-Fed-  
 24 eral land” means the approximately 61,723 acres of

1 non-Federal land authorized to be added to the Ref-  
 2 uges under this Act, as depicted on the map.

3 (5) REFUGE.—The term “Refuge” means each  
 4 of the Izembek National Wildlife Refuge and the  
 5 Alaska Peninsula National Wildlife Refuge in the  
 6 State.

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

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

11 **SEC. 4. CONVEYANCE OF LAND.**

12 (a) IN GENERAL.—The Secretary shall convey to the  
 13 State all right, title, and interest of the United States in  
 14 and to the Federal land on—

15 (1) conveyance by the landowner to the Sec-  
 16 retary of title to the non-Federal land that is accept-  
 17 able to the Secretary; and

18 (2) certification by the Governor of the State  
 19 that the State-owned land at Kinzaroff Lagoon has  
 20 been designated under State law as a State refuge.

21 (b) MAP.—

22 (1) AVAILABILITY.—The map shall be on file  
 23 and available for public inspection in the appropriate  
 24 offices of the Secretary.

(2) REVISED MAP.—Not later than 180 days after the date of completion of the conveyance of Federal land and non-Federal land under this section, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a revised map that depicts the Federal land and non-Federal land conveyed under this section.

(c) KING COVE ROAD CONVEYANCE.—

(1) IN GENERAL.—The land described in section 3(1)(A) shall be used for construction of a State road.

(2) TERMS AND CONDITIONS.—

(A) CABLE BARRIER.—A road constructed under this subsection shall include a cable barrier on each side of the road, as described in the record of decision entitled “Mitigation Measure MM–11, King Cove Access Project Final Environmental Impact Statement Record of Decision” and dated January 22, 2004.

(B) SUPPORT FACILITIES.—Support facilities for a road constructed under this subsection shall not be located on federally owned land in the Izembek National Wildlife Refuge.

1           (3) COOPERATIVE RIGHT-OF-WAY PLANNING  
2       PROCESS.—

3           (A) IN GENERAL.—On request of the  
4       State, the Secretary, in cooperation with the  
5       Secretary of Transportation, the State, the  
6       Agdaagux Tribal Council, the Aleutians East  
7       Borough, the City of King Cove, and the King  
8       Cove Corporation, shall undertake a process to  
9       determine the route for the road required to be  
10      constructed under paragraph (1) within the cor-  
11      ridor that is depicted on the map as “King  
12      Cove Road”.

13          (B) DEADLINE.—Not later than 18  
14      months after the date on which the State sub-  
15      mits a request under subparagraph (A), the  
16      Secretary shall complete the planning process  
17      required under that subparagraph.

18          (C) COMPATIBILITY.—The route for the  
19      road recommended by the Secretary under this  
20      paragraph shall be considered to be compatible  
21      with the purposes for which the Refuge was es-  
22      tablished.

23          (D) CONSTRUCTION.—Construction of the  
24      road along the route recommended by the Sec-



1           retary under this paragraph is authorized in ac-  
2           cordance with this Act.

3           (4) RECONVEYANCE.—The Secretary shall, on  
4           receipt of a written request from the State or the  
5           King Cove Corporation, immediately reconvey the  
6           applicable non-Federal land to the appropriate land-  
7           owner that contributed the land if—

8                   (A) a preliminary or permanent injunction  
9                   is entered by a court of competent jurisdiction  
10                  enjoining construction or use of the road; or

11                  (B) the State or the King Cove Corpora-  
12                  tion determines before construction of the road  
13                  that the road cannot be feasibly constructed or  
14                  maintained.

15          (d) APPLICABLE LAW.—

16           (1) IN GENERAL.—The conveyance of Federal  
17           land and non-Federal land shall not be subject to  
18           any requirements for valuation, appraisal, and  
19           equalization under any other Federal law.

20           (2) ANCSA.—The use of existing roads and the  
21           construction of new roads on King Cove Corporation  
22           land to access the road authorized under this Act  
23           shall be considered—

24                   (A) to be consistent with subsection (g) of  
25                  section 22 of the Alaska Native Claims Settle-

1           ment Act (43 U.S.C. 1621) and any patents  
2           issued under that subsection; and

3                   (B) not to interfere with the purposes for  
4           which the Refuge was established.

5       (e) NOTICE.—The Secretary shall submit to the Com-  
6       mittee on Energy and Natural Resources of the Senate  
7       and the Committee on Natural Resources of the House  
8       of Representatives notice of the completion of the convey-  
9       ance of Federal land and non-Federal land under this sec-  
10      tion.

11      (f) DESIGNATION OF WILDERNESS.—On conveyance  
12      of the non-Federal land to the Secretary, the approxi-  
13      mately 45,493 acres of land generally depicted on the map  
14      entitled “Wilderness additions to Izembek and Alaska Pe-  
15      ninsula Wildlife Refuges” and dated June 2007, shall be  
16      designated as wilderness.

17      (g) ADMINISTRATION.—The Secretary shall admin-  
18      ister the non-Federal land acquired under this Act—

19                   (1) in accordance with the laws generally appli-  
20           cable to units of the National Refuge System;

21                   (2) as wilderness, in accordance with the Alaska  
22           National Interest Lands Conservation Act (16  
23           U.S.C. 3101 et seq.); and

24                   (3) subject to valid existing rights.

○