

HOUSE BILL NO. 210

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE EDGMON

Introduced: 4/1/09
Referred: Resources

A BILL

FOR AN ACT ENTITLED

1 "An Act designating Kinzarof Lagoon as part of the Izembek State Game Refuge;
2 authorizing a land exchange with the federal government in which state land adjacent to
3 the Izembek National Wildlife Refuge and within the Alaska Peninsula National Wildlife
4 Refuge is exchanged for federal land to serve as a road corridor through the Izembek
5 National Wildlife Refuge and federal land located on Sitkinak Island; and providing for
6 an effective date."

7 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

8 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
9 to read:

10 PURPOSE. In accordance with the Omnibus Public Land Management Act of 2009,
11 H.R. 146, 111th Cong. (2009) (enacted), the purposes of this Act are to

12 (1) add state land and water within and adjacent to Kinzarof Lagoon near Cold
13 Bay to the Izembek State Game Refuge; and

1 (2) authorize the Department of Natural Resources to exchange land near Cold
2 Bay and on Sitkinak Island near Kodiak with the federal government.

3 * **Sec. 2.** AS 16.20.030(a)(14) is amended to read:

4 (14) Izembek Refuge, including the tide and submerged land described
5 as follows:

6 (A) Township 58 South, Range 91 West, Seward Meridian

7 Sections 1 - 4

8 Sections 9 - 12

9 (B) Township 58 South, Range 90 West, Seward Meridian

10 Sections 1 - 9

11 Section 16

12 (C) Township 57 South, Range 91 West, Seward Meridian

13 Section 13

14 Sections 24 - 26

15 Sections 35 - 36

16 (D) Township 57 South, Range 90 West, Seward Meridian

17 Sections 1 - 36

18 (E) Township 57 South, Range 89 West, Seward Meridian

19 Sections 5 - 6

20 **Section 12, N1/2, N1/2N1/2S1/2**

21 (F) Township 56 South, Range 87 West, Seward Meridian

22 Sections 1 - 6

23 Sections 10 - 11

24 **Sections 26 - 35**

25 (G) Township 56 South, Range 88 West, Seward Meridian

26 Sections 1 - 23

27 **Section 25**

28 Sections 27 - 32

29 **Section 36**

30 (H) Township 55 South, Range 87 West, Seward Meridian

31 Sections 1 - 36

- 1 (I) Township 56 South, Range 89 West, Seward Meridian
 2 Sections 1 - 36
 3 (J) Township 55 South, Range 89 West, Seward Meridian
 4 Sections 1 - 36
 5 (K) Township 55 South, Range 88 West, Seward Meridian
 6 Sections 1 - 36
 7 (L) Township 55 South, Range 86 West, Seward Meridian
 8 Sections 6 - 7
 9 Sections 18 - 19
 10 Sections 30 - 31

- 11 (M) Township 56 South, Range 90 West, Seward Meridian
 12 (entire township)

13 **(N) Township 57 South, Range 88 West, Seward Meridian**
 14 **Sections 1 - 6;**

15 * **Sec. 3.** AS 16.20.030(a)(14), as amended by sec. 2 of this Act, is amended to read:

16 (14) Izembek Refuge, including the tide and submerged land described
 17 as follows:

- 18 (A) Township 58 South, Range 91 West, Seward Meridian
 19 Sections 1 - 4
 20 Sections 9 - 12
 21 (B) Township 58 South, Range 90 West, Seward Meridian
 22 Sections 1 - 9
 23 Section 16
 24 (C) Township 57 South, Range 91 West, Seward Meridian
 25 Section 13
 26 Sections 24 - 26
 27 Sections 35 - 36
 28 (D) Township 57 South, Range 90 West, Seward Meridian
 29 Sections 1 - 36
 30 (E) Township 57 South, Range 89 West, Seward Meridian
 31 Sections 5 - 6

- 1 [SECTION 12, N1/2, N1/2N1/2S1/2]
 2 (F) Township 56 South, Range 87 West, Seward Meridian
 3 Sections 1 - 6
 4 Sections 10 - 11
 5 [SECTIONS 26 - 35]
 6 (G) Township 56 South, Range 88 West, Seward Meridian
 7 Sections 1 - 23
 8 [SECTION 25]
 9 Sections 27 - 32
 10 [SECTION 36]
 11 (H) Township 55 South, Range 87 West, Seward Meridian
 12 Sections 1 - 36
 13 (I) Township 56 South, Range 89 West, Seward Meridian
 14 Sections 1 - 36
 15 (J) Township 55 South, Range 89 West, Seward Meridian
 16 Sections 1 - 36
 17 (K) Township 55 South, Range 88 West, Seward Meridian
 18 Sections 1 - 36
 19 (L) Township 55 South, Range 86 West, Seward Meridian
 20 Sections 6 - 7
 21 Sections 18 - 19
 22 Sections 30 - 31
 23 (M) Township 56 South, Range 90 West, Seward Meridian
 24 (entire township)
 25 [(N) TOWNSHIP 57 SOUTH, RANGE 88 WEST, SEWARD
 26 MERIDIAN
 27 SECTIONS 1 - 6];

28 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
 29 read:

30 EXCHANGE OF STATE LAND FOR FEDERAL LAND. (a) Notwithstanding any
 31 other provision of law, the Department of Natural Resources shall convey all right, title, and

1 interest of the state to certain land adjacent to the Izembek National Wildlife Refuge,
 2 described as: Township 53 South, Range 85 West, Seward Meridian, and Township 54 South,
 3 Range 85 West, Seward Meridian, and totaling 43,000 acres more or less, to the federal
 4 government in exchange for federal land conveyed to the state. The federal land expected to
 5 be received in the exchange is described in (b) of this section.

6 (b) The land expected to be received from the federal government is

7 (1) all right, title, and interest in 206 acres more or less of federal land located
 8 within the Izembek National Wildlife Refuge for the purpose of constructing a single-lane
 9 road between the communities of King Cove and Cold Bay, Alaska, described as follows:

10 (A) Township 56 South, Range 87 West, Seward Meridian

11 Sections 19 - 21

12 Sections 26 - 28

13 Section 30

14 Section 35

15 (B) Township 56 South, Range 88 West, Seward Meridian

16 Sections 23 - 27

17 Section 34

18 (C) Township 57 South, Range 89 West, Seward Meridian

19 Section 2

20 Sections 10 - 11

21 Sections 14 - 15; and

22 (2) all right, title, and interest of 1,600 acres more or less of federal land on
 23 Sitkinak Island in Township 42 South, Range 31 West, Seward Meridian, Sections 9, 10, 15 -
 24 17, and 20 -21.

25 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
 26 read:

27 EXCHANGE OF LAND NOT SUBJECT TO AS 38.50. The exchange of state land
 28 under sec. 4 of this Act is not subject to AS 38.50, including any requirement that relates to
 29 the valuation or equalization of land.

30 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
 31 read:

1 EFFECT OF VOIDED LAND EXCHANGE. If the land exchange authorized by sec.
2 6402(a), Omnibus Public Land Management Act of 2009, H.R. 146, 111th Cong. (2009)
3 (enacted) is null and void under sec. 6405, Omnibus Public Land Management Act of 2009,
4 H.R. 146, 111th Cong. (2009) (enacted),

5 (1) the land added to the Izembek State Game Refuge under sec. 2 of this Act
6 and removed under sec. 3 of this Act shall be returned to its land management status in effect
7 before the enactment of sec. 2 of this Act; and

8 (2) the land conveyed by the state under sec. 4 of this Act shall be returned to
9 its ownership status as it existed before the conveyance.

10 * **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 **CONDITIONAL EFFECT AND NOTIFICATION.** (a) Sections 1, 2, 4, and 5 of this
13 Act take effect only if the United States Secretary of the Interior determines that the land
14 exchange described in sec. 4 of this Act is in the public interest under secs. 6401 - 6406,
15 Omnibus Public Land Management Act of 2009, H.R. 146, 111th Cong. (2009) (enacted). The
16 commissioner of natural resources shall notify the lieutenant governor and the revisor of
17 statutes of the determination and the date of the determination by the United States Secretary
18 of the Interior described in this subsection.

19 (b) Sections 3 and 6 of this Act take effect only if the land exchange authorized by
20 sec. 6402(a), Omnibus Public Land Management Act of 2009, H.R. 146, 111th Cong. (2009)
21 (enacted) is null and void under sec. 6405, Omnibus Public Land Management Act of 2009,
22 H.R. 146, 111th Cong. (2009) (enacted). The commissioner of natural resources shall notify
23 the lieutenant governor and the revisor of statutes if the land exchange authorized by sec.
24 6402(a), Omnibus Public Land Management Act of 2009, H.R. 146, 111th Cong. (2009)
25 (enacted) is null and void under sec. 6405, Omnibus Public Land Management Act of 2009,
26 H.R. 146, 111th Cong. (2009) (enacted) and the date on which the land exchange is null and
27 void.

28 * **Sec. 8.** If secs. 1, 4, and 5 of this Act take effect under sec. 7(a) of this Act, they take
29 effect on the date the United States Secretary of the Interior determines the land exchange is
30 in the public interest under sec. 6402, Omnibus Public Land Management Act of 2009, H.R.
31 146, 111th Cong. (2009) (enacted).

1 * **Sec. 9.** If sec. 2 of this Act takes effect under sec. 7(a) of this Act, it takes effect on the
2 date the exchange of land described in sec. 4 of this Act is executed by the Department of
3 Natural Resources and the United States Department of the Interior. The commissioner of
4 natural resources shall notify the lieutenant governor and the revisor of statutes of the date the
5 exchange of land is made.

6 * **Sec. 10.** If secs. 3 and 6 of this Act take effect under sec. 7(b) of this Act, they take effect
7 on the date the land exchange authorized by sec. 6402(a), Omnibus Public Land Management
8 Act of 2009, H.R. 146, 111th Cong. (2009) (enacted) is null and void under sec. 6405,
9 Omnibus Public Land Management Act of 2009, H.R. 146, 111th Cong. (2009) (enacted).

10 * **Sec. 11.** Except as provided in secs. 7 - 10 of this Act, this Act takes effect immediately
11 under AS 01.10.070(c).