

(LIMITED RUN SHOWING ALL ADDITIONAL SPONSORSHIPS)

SENATE CS FOR CS FOR HOUSE BILL NO. 210(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered: 4/10/10

Referred: Rules

Sponsor(s): REPRESENTATIVES EDGMON, Johnson, Olson, Peggy Wilson, Neuman, Austerman

SENATORS Therriault, Hoffman, Wagoner, Dyson, Menard, Olson, Kookesh

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 P.L. 111-11 (Omnibus Public Land Management Act
11 of 2009), 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

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

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

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

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

5 Sections 1 - 4

6 Sections 9 - 12

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

8 Sections 1 - 9

9 Section 16

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

11 Section 13

12 Sections 24 - 26

13 Sections 35 - 36

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

15 Sections 1 - 36

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

17 Sections 5 - 6

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

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

20 Sections 1 - 6

21 Sections 10 - 11

22 **Sections 26 - 35**

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

24 Sections 1 - 23

25 **Section 25**

26 Sections 27 - 32

27 **Section 36**

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

29 Sections 1 - 36

30 (I) Township 56 South, Range 89 West, Seward Meridian

31 Sections 1 - 36

- 1 (J) Township 55 South, Range 89 West, Seward Meridian
 2 Sections 1 - 36
 3 (K) Township 55 South, Range 88 West, Seward Meridian
 4 Sections 1 - 36
 5 (L) Township 55 South, Range 86 West, Seward Meridian
 6 Sections 6 - 7
 7 Sections 18 - 19
 8 Sections 30 - 31
 9 (M) Township 56 South, Range 90 West, Seward Meridian
 10 (entire township)

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

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

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

- 16 (A) Township 58 South, Range 91 West, Seward Meridian
 17 Sections 1 - 4
 18 Sections 9 - 12
 19 (B) Township 58 South, Range 90 West, Seward Meridian
 20 Sections 1 - 9
 21 Section 16
 22 (C) Township 57 South, Range 91 West, Seward Meridian
 23 Section 13
 24 Sections 24 - 26
 25 Sections 35 - 36
 26 (D) Township 57 South, Range 90 West, Seward Meridian
 27 Sections 1 - 36
 28 (E) Township 57 South, Range 89 West, Seward Meridian
 29 Sections 5 - 6
 30 [SECTION 12, N1/2, N1/2N1/2S1/2]
 31 (F) Township 56 South, Range 87 West, Seward Meridian

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

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

28 EXCHANGE OF STATE LAND FOR FEDERAL LAND. (a) Notwithstanding any
29 other provision of law, the Department of Natural Resources shall convey all right, title, and
30 interest of the state to certain land adjacent to the Izembek National Wildlife Refuge,
31 described as: Township 53 South, Range 85 West, Seward Meridian, and Township 54 South,

1 Range 85 West, Seward Meridian, and totaling 43,000 acres more or less, to the federal
 2 government in exchange for federal land conveyed to the state. The federal land expected to
 3 be received in the exchange is described in (b) of this section.

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

5 (1) all right, title, and interest in 206 acres more or less of federal land located
 6 within the Izembek National Wildlife Refuge for the purpose of a corridor for the construction
 7 and operation of a road between the communities of King Cove and Cold Bay, Alaska, in
 8 accordance with P.L. 111-11 (Omnibus Public Land Management Act of 2009), described as
 9 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 (c) The construction and operation of the road described in (b)(1) of this section is
 26 authorized after the state receives the land described in (b)(1) of this section in accordance
 27 with P.L. 111-11 (Omnibus Public Land Management Act of 2009).

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

30 EXCHANGE OF LAND NOT SUBJECT TO AS 38.50. The exchange of state land
 31 under sec. 4 of this Act is not subject to AS 38.50, including any requirement that relates to

1 the valuation or equalization of land.

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

4 EFFECT OF VOIDED LAND EXCHANGE. If the land exchange authorized by sec.
5 6402(a), P.L. 111-11 (Omnibus Public Land Management Act of 2009) is null and void under
6 sec. 6405, P.L. 111-11 (Omnibus Public Land Management Act of 2009),

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

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

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

14 CONDITIONAL EFFECT AND NOTIFICATION. (a) Sections 1, 2, 4, and 5 of this
15 Act take effect only if the United States Secretary of the Interior determines that the land
16 exchange described in sec. 4 of this Act is in the public interest under secs. 6401 - 6406, P.L.
17 111-11 (Omnibus Public Land Management Act of 2009). The commissioner of natural
18 resources shall notify the lieutenant governor and the revisor of statutes of the determination
19 and the date of the determination by the United States Secretary of the Interior described in
20 this subsection.

21 (b) Sections 3 and 6 of this Act take effect only if the land exchange authorized by
22 sec. 6402(a), P.L. 111-11 (Omnibus Public Land Management Act of 2009) is null and void
23 under sec. 6405, P.L. 111-11 (Omnibus Public Land Management Act of 2009). The
24 commissioner of natural resources shall notify the lieutenant governor and the revisor of
25 statutes if the land exchange authorized by sec. 6402(a), P.L. 111-11 (Omnibus Public Land
26 Management Act of 2009) is null and void under sec. 6405, P.L. 111-11 (Omnibus Public
27 Land Management Act of 2009) and the date on which the land exchange is null and 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, P.L. 111-11 (Omnibus Public Land Management Act of
31 2009).

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), P.L. 111-11 (Omnibus Public Land
8 Management Act of 2009) is null and void under sec. 6405, P.L. 111-11 (Omnibus Public
9 Land Management Act of 2009).

10 * **Sec. 11.** Except as provided in secs. 8 - 10 of this Act, this Act takes effect immediately
11 under AS 01.10.070(c).