

Union Calendar No.

115TH CONGRESS
1ST SESSION

H. R. 1306

[Report No. 115-]

To provide for the conveyance of certain Federal land in the State of Oregon,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2017

Mr. DEFAZIO (for himself and Mr. WALDEN) introduced the following bill;
which was referred to the Committee on Natural Resources

JULY --, 2017

Committed to the Committee of the Whole House on the State of the Union,
and ordered to be printed

A BILL

To provide for the conveyance of certain Federal land in
the State of Oregon, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Western Oregon Tribal Fairness Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—COW CREEK UMPQUA LAND CONVEYANCE

Sec. 101. Definitions.
Sec. 102. Land to be held in trust.
Sec. 103. Map and legal description.
Sec. 104. Administration.
Sec. 105. Land reclassification.

TITLE II—OREGON COASTAL LAND CONVEYANCE

Sec. 201. Definitions.
Sec. 202. Land to be held in trust.
Sec. 203. Map and legal description.
Sec. 204. Administration.
Sec. 205. Land reclassification.

TITLE III—AMENDMENTS TO COQUILLE RESTORATION ACT

Sec. 301. Amendments to Coquille Restoration Act.

8 **TITLE I—COW CREEK UMPQUA**
9 **LAND CONVEYANCE**

10 **SEC. 101. DEFINITIONS.**

11 In this title:

12 (1) COUNCIL CREEK LAND.—The term “Council
13 Creek land” means the approximately 17,519 acres
14 of land, as generally depicted on the map entitled
15 “Canyon Mountain Land Conveyance” and dated
16 May 24, 2016.

1 (2) **TRIBE.**—The term “Tribe” means the Cow
2 Creek Band of Umpqua Tribe of Indians.

3 (3) **SECRETARY.**—The term “Secretary” means
4 the Secretary of the Interior.

5 **SEC. 102. LAND TO BE HELD IN TRUST.**

6 (a) **IN GENERAL.**—Subject to valid existing rights,
7 including rights-of-way, all right, title, and interest of the
8 United States in and to the Council Creek land, including
9 any improvements located on the land, appurtenances to
10 the land, and minerals on or in the land, including oil and
11 gas, shall be—

12 (1) held in trust by the United States for the
13 benefit of the Tribe; and

14 (2) part of the reservation of the Tribe.

15 (b) **SURVEY.**—Not later than 2 years after the date
16 of enactment of this Act, the Secretary shall complete a
17 survey to establish the boundaries of the land taken into
18 trust under subsection (a).

19 (c) **EFFECTIVE DATE.**—Subsection (a) shall take ef-
20 fect on the day after the date on which the Secretary
21 records the agreement entered into under section
22 104(d)(1).

23 **SEC. 103. MAP AND LEGAL DESCRIPTION.**

24 (a) **IN GENERAL.**—As soon as practicable after the
25 date of enactment of this Act, the Secretary shall file a

1 map and legal description of the Council Creek land
2 with—

3 (1) the Committee on Energy and Natural Re-
4 sources of the Senate; and

5 (2) the Committee on Natural Resources of the
6 House of Representatives.

7 (b) **FORCE AND EFFECT.**—The map and legal de-
8 scription filed under subsection (a) shall have the same
9 force and effect as if included in this title, except that
10 the Secretary may correct any clerical or typographical er-
11 rors in the map or legal description.

12 (c) **PUBLIC AVAILABILITY.**—The map and legal de-
13 scription filed under subsection (a) shall be on file and
14 available for public inspection in the Office of the Sec-
15 retary.

16 **SEC. 104. ADMINISTRATION.**

17 (a) **IN GENERAL.**—Unless expressly provided in this
18 title, nothing in this title affects any right or claim of the
19 Tribe existing on the date of enactment of this Act to any
20 land or interest in land.

21 (b) **PROHIBITIONS.**—

22 (1) **EXPORTS OF UNPROCESSED LOGS.**—Fed-
23 eral law (including regulations) relating to the ex-
24 port of unprocessed logs harvested from Federal

1 land shall apply to any unprocessed logs that are
2 harvested from the Council Creek land.

3 (2) NON-PERMISSIBLE USE OF LAND.—Any real
4 property taken into trust under section 102 shall not
5 be eligible, or used, for any gaming activity carried
6 out under Public Law 100–497 (25 U.S.C. 2701 et
7 seq.).

8 (c) FOREST MANAGEMENT.—Any forest management
9 activity that is carried out on the Council Creek land shall
10 be managed in accordance with all applicable Federal
11 laws.

12 (d) AGREEMENTS.—

13 (1) MEMORANDUM OF AGREEMENT FOR ADMIN-
14 ISTRATIVE ACCESS.—Not later than 180 days after
15 the date of enactment of this Act, the Secretary
16 shall seek to enter into an agreement with the Tribe
17 that secures existing administrative access by the
18 Secretary to the Council Creek land.

19 (2) RECIPROCAL RIGHT-OF-WAY AGREE-
20 MENTS.—

21 (A) IN GENERAL.—On the date on which
22 the agreement is entered into under paragraph
23 (1), the Secretary shall provide to the Tribe all
24 reciprocal right-of-way agreements to the Coun-

1 cil Creek land in existence as of the date of en-
2 actment of this Act.

3 (B) CONTINUED ACCESS.—Beginning on
4 the date on which the Council Creek land is
5 taken into trust under section 102, the Tribe
6 shall continue the access provided by the agree-
7 ments referred to in subparagraph (A) in per-
8 petuity.

9 (e) LAND USE PLANNING REQUIREMENTS.—Except
10 as provided in subsection (c), once the Council Creek land
11 is taken into trust under section 102, the Council Creek
12 land shall not be subject to the land use planning require-
13 ments of the Federal Land Policy and Management Act
14 of 1976 (43 U.S.C. 1701 et seq.) or the Act of August
15 28, 1937 (43 U.S.C. 1181a et seq.).

16 **SEC. 105. LAND RECLASSIFICATION.**

17 (a) IDENTIFICATION OF OREGON AND CALIFORNIA
18 RAILROAD GRANT LAND.—Not later than 180 days after
19 the date of enactment of this Act, the Secretary of Agri-
20 culture and the Secretary shall identify any Oregon and
21 California Railroad grant land that is held in trust by the
22 United States for the benefit of the Tribe under section
23 102.

24 (b) IDENTIFICATION OF PUBLIC DOMAIN LAND.—
25 Not later than 2 years after the date of enactment of this

1 Act, the Secretary shall identify public domain land in the
2 State of Oregon that—

3 (1) is approximately equal in acreage and con-
4 dition as the Oregon and California Railroad grant
5 land identified under subsection (a); and

6 (2) is located within the 18 western Oregon and
7 California Railroad grant land counties (other than
8 Klamath County, Oregon).

9 (c) MAPS.—Not later than 3 years after the date of
10 enactment of this Act, the Secretary shall submit to Con-
11 gress and publish in the Federal Register one or more
12 maps depicting the land identified in subsections (a) and
13 (b).

14 (d) RECLASSIFICATION.—

15 (1) IN GENERAL.—After providing an oppor-
16 tunity for public comment, the Secretary shall re-
17 classify the land identified in subsection (b) as Or-
18 egon and California Railroad grant land.

19 (2) APPLICABILITY.—The Act of August 28,
20 1937 (43 U.S.C. 1181a et seq.), shall apply to land
21 reclassified as Oregon and California Railroad grant
22 land under paragraph (1).

1 **TITLE II—OREGON COASTAL**
2 **LAND CONVEYANCE**

3 **SEC. 201. DEFINITIONS.**

4 In this title:

5 (1) CONFEDERATED TRIBES.—The term “Con-
6 federated Tribes” means the Confederated Tribes of
7 Coos, Lower Umpqua, and Siuslaw Indians.

8 (2) OREGON COASTAL LAND.—The term “Or-
9 regon Coastal land” means the approximately 14,742
10 acres of land, as generally depicted on the map enti-
11 tled “Oregon Coastal Land Conveyance” and dated
12 July 11, 2016.

13 (3) SECRETARY.—The term “Secretary” means
14 the Secretary of the Interior.

15 **SEC. 202. LAND TO BE HELD IN TRUST.**

16 (a) IN GENERAL.—Subject to valid existing rights,
17 including rights-of-way, all right, title, and interest of the
18 United States in and to the Oregon Coastal land, includ-
19 ing any improvements located on the land, appurtenances
20 to the land, and minerals on or in the land, including oil
21 and gas, shall be—

22 (1) held in trust by the United States for the
23 benefit of the Confederated Tribes; and

24 (2) part of the reservation of the Confederated
25 Tribes.

1 (b) SURVEY.—Not later than 2 years after the date
2 of enactment of this Act, the Secretary shall complete a
3 survey to establish the boundaries of the land taken into
4 trust under subsection (a).

5 (c) EFFECTIVE DATE.—Subsection (a) shall take ef-
6 fect on the day after the date on which the Secretary
7 records the agreement entered into under section
8 204(d)(1).

9 **SEC. 203. MAP AND LEGAL DESCRIPTION.**

10 (a) IN GENERAL.—As soon as practicable after the
11 date of enactment of this Act, the Secretary shall file a
12 map and legal description of the Oregon Coastal land
13 with—

14 (1) the Committee on Energy and Natural Re-
15 sources of the Senate; and

16 (2) the Committee on Natural Resources of the
17 House of Representatives.

18 (b) FORCE AND EFFECT.—The map and legal de-
19 scription filed under subsection (a) shall have the same
20 force and effect as if included in this title, except that
21 the Secretary may correct any clerical or typographical er-
22 rors in the map or legal description.

23 (c) PUBLIC AVAILABILITY.—The map and legal de-
24 scription filed under subsection (a) shall be on file and

1 available for public inspection in the Office of the Sec-
2 retary.

3 **SEC. 204. ADMINISTRATION.**

4 (a) IN GENERAL.—Unless expressly provided in this
5 title, nothing in this title affects any right or claim of the
6 Confederated Tribes existing on the date of enactment of
7 this Act to any land or interest in land.

8 (b) PROHIBITIONS.—

9 (1) EXPORTS OF UNPROCESSED LOGS.—Fed-
10 eral law (including regulations) relating to the ex-
11 port of unprocessed logs harvested from Federal
12 land shall apply to any unprocessed logs that are
13 harvested from the Oregon Coastal land taken into
14 trust under section 202.

15 (2) NON-PERMISSIBLE USE OF LAND.—Any real
16 property taken into trust under section 202 shall not
17 be eligible, or used, for any gaming activity carried
18 out under Public Law 100–497 (25 U.S.C. 2701 et
19 seq.).

20 (c) FOREST MANAGEMENT.—Any forest management
21 activity that is carried out on the Oregon Coastal land
22 shall be managed in accordance with all applicable Federal
23 laws.

24 (d) AGREEMENTS.—

1 (1) MEMORANDUM OF AGREEMENT FOR ADMIN-
2 ISTRATIVE ACCESS.—Not later than 180 days after
3 the date of enactment of this Act, the Secretary
4 shall seek to enter into an agreement with the Con-
5 federated Tribes that secures existing administrative
6 access by the Secretary to the Oregon Coastal land
7 and that provides for—

8 (A) access for certain activities, includ-
9 ing—

10 (i) forest management;

11 (ii) timber and rock haul;

12 (iii) road maintenance;

13 (iv) wildland fire protection and man-
14 agement;

15 (v) cadastral surveys;

16 (vi) wildlife, cultural, and other sur-
17 veys; and

18 (vii) law enforcement activities;

19 (B) the management of the Oregon Coastal
20 land that is acquired or developed under chap-
21 ter 2003 of title 54, United States Code, con-
22 sistent with section 200305(f)(3) of that title;
23 and

24 (C) the terms of public vehicular transit
25 across the Oregon Coastal land to and from the

1 Hult Log Storage Reservoir located in T. 15 S.,
2 R. 7 W., as generally depicted on the map de-
3 scribed in section 201(2), subject to the re-
4 quirement that if the Bureau of Land Manage-
5 ment discontinues maintenance of the public
6 recreation site known as “Hult Reservoir”, the
7 terms of any agreement in effect on that date
8 that provides for public vehicular transit to and
9 from the Hult Log Storage Reservoir shall be
10 void.

11 (2) RECIPROCAL RIGHT-OF-WAY AGREE-
12 MENTS.—

13 (A) IN GENERAL.—On the date on which
14 the agreement is entered into under paragraph
15 (1), the Secretary shall provide to the Confed-
16 erated Tribes all reciprocal right-of-way agree-
17 ments to the Oregon Coastal land in existence
18 on the date of enactment of this Act.

19 (B) CONTINUED ACCESS.—Beginning on
20 the date on which the Oregon Coastal land is
21 taken into trust under section 202, the Confed-
22 erated Tribes shall continue the access provided
23 by the reciprocal right-of-way agreements re-
24 ferred to in subparagraph (A) in perpetuity.

1 (e) LAND USE PLANNING REQUIREMENTS.—Except
2 as provided in subsection (c), once the Oregon Coastal
3 land is taken into trust under section 202, the Oregon
4 Coastal land shall not be subject to the land use planning
5 requirements of the Federal Land Policy and Management
6 Act of 1976 (43 U.S.C. 1701 et seq.) or the Act of August
7 28, 1937 (43 U.S.C. 1181a et seq.).

8 **SEC. 205. LAND RECLASSIFICATION.**

9 (a) IDENTIFICATION OF OREGON AND CALIFORNIA
10 RAILROAD GRANT LAND.—Not later than 180 days after
11 the date of enactment of this Act, the Secretary of Agri-
12 culture and the Secretary shall identify any Oregon and
13 California Railroad grant land that is held in trust by the
14 United States for the benefit of the Confederated Tribes
15 under section 202.

16 (b) IDENTIFICATION OF PUBLIC DOMAIN LAND.—
17 Not later than 2 years after the date of enactment of this
18 Act, the Secretary shall identify public domain land in the
19 State of Oregon that—

20 (1) is approximately equal in acreage and con-
21 dition as the Oregon and California Railroad grant
22 land identified under subsection (a); and

23 (2) is located within the 18 western Oregon and
24 California Railroad grant land counties (other than
25 Klamath County, Oregon).

1 (c) MAPS.—Not later than 3 years after the date of
2 enactment of this Act, the Secretary shall submit to Con-
3 gress and publish in the Federal Register one or more
4 maps depicting the land identified in subsections (a) and
5 (b).

6 (d) RECLASSIFICATION.—

7 (1) IN GENERAL.—After providing an oppor-
8 tunity for public comment, the Secretary shall re-
9 classify the land identified in subsection (b) as Or-
10 egon and California Railroad grant land.

11 (2) APPLICABILITY.—The Act of August 28,
12 1937 (43 U.S.C. 1181a et seq.), shall apply to land
13 reclassified as Oregon and California Railroad grant
14 land under paragraph (1).

15 **TITLE III—AMENDMENTS TO** 16 **COQUILLE RESTORATION ACT**

17 **SEC. 301. AMENDMENTS TO COQUILLE RESTORATION ACT.**

18 Section 5(d) of the Coquille Restoration Act (Public
19 Law 101–42; 103 Stat. 92, 110 Stat. 3009–537) is
20 amended—

21 (1) by striking paragraph (5) and inserting the
22 following:

23 “(5) MANAGEMENT.—

24 “(A) IN GENERAL.—Subject to subpara-
25 graph (B), the Secretary, acting through the

1 Assistant Secretary for Indian Affairs, shall
2 manage the Coquille Forest in accordance with
3 the laws pertaining to the management of In-
4 dian trust land.

5 “(B) ADMINISTRATION.—

6 “(i) UNPROCESSED LOGS.—Unproc-
7 essed logs harvested from the Coquille For-
8 est shall be subject to the same Federal
9 statutory restrictions on export to foreign
10 nations that apply to unprocessed logs har-
11 vested from Federal land.

12 “(ii) SALES OF TIMBER.—Notwith-
13 standing any other provision of law, all
14 sales of timber from land subject to this
15 subsection shall be advertised, offered, and
16 awarded according to competitive bidding
17 practices, with sales being awarded to the
18 highest responsible bidder.”;

19 (2) by striking paragraph (9); and

20 (3) by redesignating paragraphs (10) through
21 (12) as paragraphs (9) through (11), respectively.