

Union Calendar No. 193

114TH CONGRESS
1ST SESSION

H. R. 2791

[Report No. 114-254]

To require that certain Federal lands be held in trust by the United States for the benefit of certain Indian tribes in Oregon, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 2015

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

SEPTEMBER 8, 2015

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

A BILL

To require that certain Federal lands be held in trust by the United States for the benefit of certain Indian tribes in 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. Short title.
 Sec. 102. Definitions.
 Sec. 103. Conveyance.
 Sec. 104. Map and legal description.
 Sec. 105. Administration.
 Sec. 106. Land reclassification.

TITLE II—COQUILLE FOREST FAIRNESS

Sec. 201. Short title.
 Sec. 202. Amendments to Coquille Restoration Act.

TITLE III—OREGON COASTAL LANDS

Sec. 301. Short title.
 Sec. 302. Definitions.
 Sec. 303. Conveyance.
 Sec. 304. Map and legal description.
 Sec. 305. Administration.
 Sec. 306. Land reclassification.

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

10 **SEC. 101. SHORT TITLE.**

11 This title may be cited as the “Cow Creek Umpqua
 12 Land Conveyance Act”.

13 **SEC. 102. DEFINITIONS.**

14 In this title:

1 (1) COUNCIL CREEK LAND.—The term “Council
2 Creek land” means the approximately 17,519 acres
3 of land, as generally depicted on the map entitled
4 “Canyon Mountain Land Conveyance” and dated
5 June 27, 2013.

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

8 (3) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior.

10 **SEC. 103. CONVEYANCE.**

11 (a) IN GENERAL.—Subject to valid existing rights,
12 including rights-of-way, all right, title, and interest of the
13 United States in and to the Council Creek land, including
14 any improvements located on the land, appurtenances to
15 the land, and minerals on or in the land, including oil and
16 gas, shall be—

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

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

20 (b) SURVEY.—Not later than 1 year after the date
21 of enactment of this Act, the Secretary shall complete a
22 survey of the boundary lines to establish the boundaries
23 of the land taken into trust under subsection (a).

1 **SEC. 104. MAP AND LEGAL DESCRIPTION.**

2 (a) IN GENERAL.—As soon as practicable after the
3 date of enactment of this Act, the Secretary shall file a
4 map and legal description of the Council Creek land
5 with—

6 (1) the Committee on Energy and Natural Re-
7 sources of the Senate; and

8 (2) the Committee on Natural Resources of the
9 House of Representatives.

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

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

19 **SEC. 105. ADMINISTRATION.**

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

24 (b) PROHIBITIONS.—

25 (1) EXPORTS OF UNPROCESSED LOGS.—Fed-
26 eral law (including regulations) relating to the ex-

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

4 (2) NON-PERMISSIBLE USE OF LAND.—Any real
5 property taken into trust under section 103 shall not
6 be eligible, or used, for any gaming activity carried
7 out under Public Law 100–497 (25 U.S.C. 2701 et
8 seq.).

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

13 **SEC. 106. LAND RECLASSIFICATION.**

14 (a) IDENTIFICATION OF OREGON AND CALIFORNIA
15 RAILROAD GRANT LAND.—Not later than 180 days after
16 the date of enactment of this Act, the Secretary of Agri-
17 culture and the Secretary shall identify any Oregon and
18 California Railroad grant land that is held in trust by the
19 United States for the benefit of the Tribe under section
20 103.

21 (b) IDENTIFICATION OF PUBLIC DOMAIN LAND.—
22 Not later than 18 months after the date of enactment of
23 this Act, the Secretary shall identify public domain land
24 in the State of Oregon that—

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

4 (2) is located in the vicinity of the Oregon and
5 California Railroad grant land.

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

11 (d) RECLASSIFICATION.—

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

16 (2) APPLICABILITY.—The Act of August 28,
17 1937 (43 U.S.C. 1181a et seq.), shall apply to land
18 reclassified as Oregon and California Railroad grant
19 land under paragraph (1).

20 **TITLE II—COQUILLE FOREST** 21 **FAIRNESS**

22 **SEC. 201. SHORT TITLE.**

23 This title may be cited as the “Coquille Forest Fair-
24 ness Act”.

1 **SEC. 202. AMENDMENTS TO COQUILLE RESTORATION ACT.**

2 Section 5(d) of the Coquille Restoration Act (25
3 U.S.C. 715c(d)) is amended—

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

6 “(5) MANAGEMENT.—

7 “(A) IN GENERAL.—Subject to subpara-
8 graph (B), the Secretary, acting through the
9 Assistant Secretary for Indian Affairs, shall
10 manage the Coquille Forest in accordance with
11 the laws pertaining to the management of In-
12 dian trust land.

13 “(B) ADMINISTRATION.—

14 “(i) UNPROCESSED LOGS.—Unproc-
15 essed logs harvested from the Coquille For-
16 est shall be subject to the same Federal
17 statutory restrictions on export to foreign
18 nations that apply to unprocessed logs har-
19 vested from Federal land.

20 “(ii) SALES OF TIMBER.—Notwith-
21 standing any other provision of law, all
22 sales of timber from land subject to this
23 subsection shall be advertised, offered, and
24 awarded according to competitive bidding
25 practices, with sales being awarded to the
26 highest responsible bidder.”;

1 (2) by striking paragraph (9); and
2 (3) by redesignating paragraphs (10) through
3 (12) as paragraphs (9) through (11), respectively.

4 **TITLE III—OREGON COASTAL**
5 **LANDS**

6 **SEC. 301. SHORT TITLE.**

7 This title may be cited as the “Oregon Coastal Lands
8 Act”.

9 **SEC. 302. DEFINITIONS.**

10 In this title:

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

14 (2) OREGON COASTAL LAND.—The term “Or-
15 egon Coastal land” means the approximately 14,408
16 acres of land, as generally depicted on the map enti-
17 tled “Oregon Coastal Land Conveyance” and dated
18 March 27, 2013.

19 (3) SECRETARY.—The term “Secretary” means
20 the Secretary of the Interior.

21 **SEC. 303. CONVEYANCE.**

22 (a) IN GENERAL.—Subject to valid existing rights,
23 including rights-of-way, all right, title, and interest of the
24 United States in and to the Oregon Coastal land, includ-
25 ing any improvements located on the land, appurtenances

1 to the land, and minerals on or in the land, including oil
2 and gas, shall be—

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

5 (2) part of the reservation of the Confederated
6 Tribes.

7 (b) SURVEY.—Not later than 1 year after the date
8 of enactment of this Act, the Secretary shall complete a
9 survey of the boundary lines to establish the boundaries
10 of the land taken into trust under subsection (a).

11 **SEC. 304. MAP AND LEGAL DESCRIPTION.**

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

16 (1) the Committee on Energy and Natural Re-
17 sources of the Senate; and

18 (2) the Committee on Natural Resources of the
19 House of Representatives.

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

1 (c) PUBLIC AVAILABILITY.—The map and legal de-
2 scription filed under subsection (a) shall be on file and
3 available for public inspection in the Office of the Sec-
4 retary.

5 **SEC. 305. ADMINISTRATION.**

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

10 (b) PROHIBITIONS.—

11 (1) EXPORTS OF UNPROCESSED LOGS.—Fed-
12 eral law (including regulations) relating to the ex-
13 port of unprocessed logs harvested from Federal
14 land shall apply to any unprocessed logs that are
15 harvested from the Oregon Coastal land taken into
16 trust under section 303.

17 (2) NON-PERMISSIBLE USE OF LAND.—Any real
18 property taken into trust under section 303 shall not
19 be eligible, or used, for any gaming activity carried
20 out under Public Law 100–497 (25 U.S.C. 2701 et
21 seq.).

22 (c) LAWS APPLICABLE TO COMMERCIAL FORESTRY
23 ACTIVITY.—Any commercial forestry activity that is car-
24 ried out on the Oregon Coastal land taken into trust under

1 section 303 shall be managed in accordance with all appli-
2 cable Federal laws.

3 (d) AGREEMENTS.—The Confederated Tribes shall
4 consult with the Secretary and other parties as necessary
5 to develop agreements to provide for access to the Oregon
6 Coastal land taken into trust under section 303 that pro-
7 vide for—

8 (1) honoring existing reciprocal right-of-way
9 agreements;

10 (2) administrative access by the Bureau of
11 Land Management; and

12 (3) management of the Oregon Coastal lands
13 that are acquired or developed under chapter 2003
14 of title 54, United States Code (commonly known as
15 the “Land and Water Conservation Fund Act of
16 1965”), consistent with section 200305(f)(3) of that
17 title.

18 (e) LAND USE PLANNING REQUIREMENTS.—Except
19 as provided in subsection (c), once the Oregon Coastal
20 land is taken into trust under section 303, the land shall
21 not be subject to the land use planning requirements of
22 the Federal Land Policy and Management Act of 1976
23 (43 U.S.C. 1701 et seq.) or the Act of August 28, 1937
24 (43 U.S.C. 1181a et seq.).

1 **SEC. 306. LAND RECLASSIFICATION.**

2 (a) IDENTIFICATION OF OREGON AND CALIFORNIA
3 RAILROAD GRANT LAND.—Not later than 180 days after
4 the date of enactment of this Act, the Secretary of Agri-
5 culture and the Secretary shall identify any Oregon and
6 California Railroad grant land that is held in trust by the
7 United States for the benefit of the Confederated Tribes
8 under section 303.

9 (b) IDENTIFICATION OF PUBLIC DOMAIN LAND.—
10 Not later than 18 months after the date of enactment of
11 this Act, the Secretary shall identify public domain land
12 in the State of Oregon that—

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

16 (2) is located in the vicinity of the Oregon and
17 California Railroad grant land.

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

23 (d) RECLASSIFICATION.—

24 (1) IN GENERAL.—After providing an oppor-
25 tunity for public comment, the Secretary shall re-

1 classify the land identified in subsection (b) as Or-
2 regon and California Railroad grant land.

3 (2) *APPLICABILITY.*—The Act of August 28,
4 1937 (43 U.S.C. 1181a et seq.), shall apply to land
5 reclassified as Oregon and California Railroad grant
6 land under paragraph (1).

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