

Calendar No. 83

115TH CONGRESS
1ST SESSION

S. 508

[Report No. 115–65]

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

IN THE SENATE OF THE UNITED STATES

MARCH 2, 2017

Mr. WYDEN (for himself and Mr. MERKLEY) introduced the following bill;
which was read twice and referred to the Committee on Energy and Nat-
ural Resources

MAY 16, 2017

Reported by Ms. MURKOWSKI, without amendment

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”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 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.

3 **TITLE I—COW CREEK UMPQUA** 4 **LAND CONVEYANCE**

5 **SEC. 101. DEFINITIONS.**

6 In this title:

7 (1) COUNCIL CREEK LAND.—The term “Council
 8 Creek land” means the approximately 17,519 acres
 9 of land, as generally depicted on the map entitled
 10 “Canyon Mountain Land Conveyance” and dated
 11 May 24, 2016.

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

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

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

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

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

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

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

15 (c) EFFECTIVE DATE.—Subsection (a) shall take ef-
16 fect on the day after the date on which the Secretary
17 records the agreement entered into under section
18 104(d)(1).

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

20 (a) IN GENERAL.—As soon as practicable after the
21 date of enactment of this Act, the Secretary shall file a
22 map and legal description of the Council Creek land
23 with—

24 (1) the Committee on Energy and Natural Re-
25 sources of the Senate; and

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

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

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

12 **SEC. 104. ADMINISTRATION.**

13 (a) IN GENERAL.—Unless expressly provided in this
14 title, nothing in this title affects any right or claim of the
15 Tribe existing on the date of enactment of this Act to any
16 land or interest in land.

17 (b) PROHIBITIONS.—

18 (1) EXPORTS OF UNPROCESSED LOGS.—Fed-
19 eral law (including regulations) relating to the ex-
20 port of unprocessed logs harvested from Federal
21 land shall apply to any unprocessed logs that are
22 harvested from the Council Creek land.

23 (2) NON-PERMISSIBLE USE OF LAND.—Any real
24 property taken into trust under section 102 shall not
25 be eligible, or used, for any gaming activity carried

1 out under Public Law 100–497 (25 U.S.C. 2701 et
2 seq.).

3 (c) FOREST MANAGEMENT.—Any forest management
4 activity that is carried out on the Council Creek land shall
5 be managed in accordance with all applicable Federal
6 laws.

7 (d) AGREEMENTS.—

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

14 (2) RECIPROCAL RIGHT-OF-WAY AGREE-
15 MENTS.—

16 (A) IN GENERAL.—On the date on which
17 the agreement is entered into under paragraph
18 (1), the Secretary shall provide to the Tribe all
19 reciprocal right-of-way agreements to the Coun-
20 cil Creek land in existence as of the date of en-
21 actment of this Act.

22 (B) CONTINUED ACCESS.—Beginning on
23 the date on which the Council Creek land is
24 taken into trust under section 102, the Tribe
25 shall continue the access provided by the agree-

1 ments referred to in subparagraph (A) in per-
2 petuity.

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

10 **SEC. 105. LAND RECLASSIFICATION.**

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

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

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

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

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

9 (d) RECLASSIFICATION.—

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

14 (2) APPLICABILITY.—The Act of August 28,
 15 1937 (43 U.S.C. 1181a et seq.), shall apply to land
 16 reclassified as Oregon and California Railroad grant
 17 land under paragraph (1).

18 **TITLE II—OREGON COASTAL** 19 **LAND CONVEYANCE**

20 **SEC. 201. DEFINITIONS.**

21 In this title:

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

1 (2) OREGON COASTAL LAND.—The term “Or-
 2 egon Coastal land” means the approximately 14,742
 3 acres of land, as generally depicted on the map enti-
 4 tled “Oregon Coastal Land Conveyance” and dated
 5 July 11, 2016.

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

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

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

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

17 (2) part of the reservation of the Confederated
 18 Tribes.

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

23 (c) EFFECTIVE DATE.—Subsection (a) shall take ef-
 24 fect on the day after the date on which the Secretary

1 records the agreement entered into under section
2 204(d)(1).

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

4 (a) IN GENERAL.—As soon as practicable after the
5 date of enactment of this Act, the Secretary shall file a
6 map and legal description of the Oregon Coastal land
7 with—

8 (1) the Committee on Energy and Natural Re-
9 sources of the Senate; and

10 (2) the Committee on Natural Resources of the
11 House of Representatives.

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

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

21 **SEC. 204. ADMINISTRATION.**

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

1 (b) PROHIBITIONS.—

2 (1) EXPORTS OF UNPROCESSED LOGS.—Fed-
3 eral law (including regulations) relating to the ex-
4 port of unprocessed logs harvested from Federal
5 land shall apply to any unprocessed logs that are
6 harvested from the Oregon Coastal land taken into
7 trust under section 202.

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

13 (c) FOREST MANAGEMENT.—Any forest management
14 activity that is carried out on the Oregon Coastal land
15 shall be managed in accordance with all applicable Federal
16 laws.

17 (d) AGREEMENTS.—

18 (1) MEMORANDUM OF AGREEMENT FOR ADMIN-
19 ISTRATIVE ACCESS.—Not later than 180 days after
20 the date of enactment of this Act, the Secretary
21 shall seek to enter into an agreement with the Con-
22 federated Tribes that secures existing administrative
23 access by the Secretary to the Oregon Coastal land
24 and that provides for—

1 (A) access for certain activities, includ-
2 ing—

3 (i) forest management;

4 (ii) timber and rock haul;

5 (iii) road maintenance;

6 (iv) wildland fire protection and man-
7 agement;

8 (v) cadastral surveys;

9 (vi) wildlife, cultural, and other sur-
10 veys; and

11 (vii) law enforcement activities;

12 (B) the management of the Oregon Coastal
13 land that is acquired or developed under chap-
14 ter 2003 of title 54, United States Code, con-
15 sistent with section 200305(f)(3) of that title;
16 and

17 (C) the terms of public vehicular transit
18 across the Oregon Coastal land to and from the
19 Hult Log Storage Reservoir located in T. 15 S.,
20 R. 7 W., as generally depicted on the map de-
21 scribed in section 201(2), subject to the re-
22 quirement that if the Bureau of Land Manage-
23 ment discontinues maintenance of the public
24 recreation site known as “Hult Reservoir”, the
25 terms of any agreement in effect on that date

1 that provides for public vehicular transit to and
 2 from the Hult Log Storage Reservoir shall be
 3 void.

4 (2) RECIPROCAL RIGHT-OF-WAY AGREE-
 5 MENTS.—

6 (A) IN GENERAL.—On the date on which
 7 the agreement is entered into under paragraph
 8 (1), the Secretary shall provide to the Confed-
 9 erated Tribes all reciprocal right-of-way agree-
 10 ments to the Oregon Coastal land in existence
 11 on the date of enactment of this Act.

12 (B) CONTINUED ACCESS.—Beginning on
 13 the date on which the Oregon Coastal land is
 14 taken into trust under section 202, the Confed-
 15 erated Tribes shall continue the access provided
 16 by the reciprocal right-of-way agreements re-
 17 ferred to in subparagraph (A) in perpetuity.

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 202, the Oregon
 21 Coastal land shall not be subject to the land use planning
 22 requirements of the Federal Land Policy and Management
 23 Act of 1976 (43 U.S.C. 1701 et seq.) or the Act of August
 24 28, 1937 (43 U.S.C. 1181a et seq.).

1 **SEC. 205. 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 202.

9 (b) IDENTIFICATION OF PUBLIC DOMAIN LAND.—
10 Not later than 2 years after the date of enactment of this
11 Act, the Secretary shall identify public domain land in the
12 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 within the 18 western Oregon and
17 California Railroad grant land counties (other than
18 Klamath County, Oregon).

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

24 (d) RECLASSIFICATION.—

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

1 classify the land identified in subsection (b) as Or-
 2 egon 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).

7 **TITLE III—AMENDMENTS TO** 8 **COQUILLE RESTORATION ACT**

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

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

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

15 “(5) MANAGEMENT.—

16 “(A) IN GENERAL.—Subject to subpara-
 17 graph (B), the Secretary, acting through the
 18 Assistant Secretary for Indian Affairs, shall
 19 manage the Coquille Forest in accordance with
 20 the laws pertaining to the management of In-
 21 dian trust land.

22 “(B) ADMINISTRATION.—

23 “(i) UNPROCESSED LOGS.—Unproc-
 24 essed logs harvested from the Coquille For-
 25 est shall be subject to the same Federal

1 statutory restrictions on export to foreign
2 nations that apply to unprocessed logs har-
3 vested from Federal land.

4 “(ii) SALES OF TIMBER.—Notwith-
5 standing any other provision of law, all
6 sales of timber from land subject to this
7 subsection shall be advertised, offered, and
8 awarded according to competitive bidding
9 practices, with sales being awarded to the
10 highest responsible bidder.”;

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

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

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[Report No. 115-65]

A BILL

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

MAY 16, 2017

Reported without amendment