# <sup>110TH CONGRESS</sup> 2D SESSION H.R.6370

To transfer excess Federal property administered by the Coast Guard to the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians.

### IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2008

Mr. DEFAZIO introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

# A BILL

- To transfer excess Federal property administered by the Coast Guard to the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians.
  - 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.

- 4 This Act may be cited as the "Oregon Surplus Fed-
- 5 eral Land Act of 2008".

#### 6 SEC. 2. DEFINITIONS.

- 7 In this Act:
- 8 (1) COMMANDANT.—The term "Commandant"
- 9 means the Commandant of the Coast Guard.

(2) LIGHT STATION.—The term "Light Sta tion" means the Cape Arago Light Station on
 Chief's Island in the State of Oregon.

4 (3) MAPS.—The term "maps" means the maps
5 filed under section 3(d).

6 (4) SECRETARY.—The term "Secretary" means
7 the Secretary of the Interior.

8 (5) TRIBES.—The Term "Tribes" means the
9 Confederated Tribes of the Coos, Lower Umpqua,
10 and Siuslaw Indians in the State of Oregon.

#### 11 SEC. 3. TRANSFER OF ADMINISTRATIVE JURISDICTION.

(a) IN GENERAL.—As soon as practicable, but not
later than 5 years, after the date of enactment of this Act
and subject to subsection (c), the Commandant shall
transfer to the Secretary, to hold in trust for the benefit
of the Tribes, administrative jurisdiction over the Federal
land described in subsection (b).

(b) DESCRIPTION OF LAND.—The Federal land referred to in subsection (a) consists of the parcels of Coast
Guard land (including any improvements to the land) comprising approximately 24 acres, located in Coos County,
Oregon, in the areas commonly know as "Gregory Point"
and "Chief's Island", as depicted on the maps.

24 (c) CONDITIONS.—

1	(1) Compliance with applicable law.—Be-
2	fore completing the transfer of administrative juris-
3	diction under subsection (a), the Commandant shall
4	execute any actions required to comply with applica-
5	ble environmental and cultural resources laws.
6	(2) TRUST STATUS.—On transfer of adminis-
7	trative jurisdiction over the land under subsection
8	(a), the land transferred to the Secretary shall be—
9	(A) held in trust by the United States for
10	the Tribes; and
11	(B) included in the reservation of the
12	Tribes.
13	(3) MAINTENANCE OF CAPE ARAGO LIGHT STA-
14	TION.—
15	(A) IN GENERAL.—The transfer of admin-
16	istrative jurisdiction over the Light Station
17	under subsection (a) shall be subject to the con-
18	ditions that the Tribes—
19	(i) shall—
20	(I) use, and make reasonable ef-
21	forts to maintain, the Light Station in
22	accordance with—
23	(aa) the National Historic
24	Preservation Act (16 U.S.C. 470
25	et seq.);

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1	(bb) the Secretary of the In-
2	terior's Standards for the Treat-
3	ment of Historic Properties
4	under part 68 of title 36, Code of
5	Federal Regulations; and
6	(cc) any other applicable
7	laws; and
8	(II) submit any proposed changes
9	to the Light Station for review and
10	approval by the Secretary, in con-
11	sultation with the Oregon State His-
12	toric Preservation Officer, if the Sec-
13	retary determines that the changes
14	are consistent with—
15	(aa) section 800.5(a)(2)(vii)
16	of title 36, Code of Federal Reg-
17	ulations; and
18	(bb) the Secretary of the In-
19	terior's Standards for Rehabilita-
20	tion under section 67.7 of title
21	36, Code of Federal Regulations;
22	(ii) shall make the Light Station
23	available to the general public for edu-
24	cational, park, recreational, cultural, or
25	historic preservation purposes at times and

1	under conditions determined to be reason-
2	able by the Secretary;
3	(iii) shall not—
4	(I) sell, convey, assign, exchange,
5	or encumber the Cape Arago Light
6	Station (or any part of the Light Sta-
7	tion) or any associated historic arti-
8	fact conveyed in conjunction with the
9	transfer under subsection (a), unless
10	the sale, conveyance, assignment, ex-
11	change, or encumbrance is approved
12	by Secretary; or
13	(II) conduct any commercial ac-
14	tivities at the Cape Arago Light Sta-
15	tion (or any part of the Light Station)
16	or in connection with any historic arti-
17	fact conveyed in conjunction with the
18	transfer under subsection (a) in any
19	manner, unless the commercial activi-
20	ties are approved by the Secretary;
21	and
22	(iv) shall allow the United States, at
23	any time, to enter the Light Station with-
24	out notice, for purposes of ensuring com-
25	pliance with this section, to the extent that

1	it is not practicable to provide advance no-
2	tice.
3	(B) REVERSION.—If the Tribes fail to
4	meet any condition described in subparagraph
5	(A), the Light Station, or any associated his-
6	toric artifact conveyed in conjunction with the
7	transfer under subsection (a), shall, at the op-
8	tion of the Secretary—
9	(i) revert to the United States; and
10	(ii) be placed under the administrative
11	control of the Secretary.
12	(d) MAPS AND LEGAL DESCRIPTIONS.—
13	(1) IN GENERAL.—As soon as practicable after
14	the date of enactment of this Act, the Commandant
15	shall file the maps entitled "Confederated Tribes of
16	the Coos, Lower Umpqua, and Siuslaw Land Trans-
17	fer Maps" and legal descriptions of the parcels to be
18	transferred under subsection (a) with—
19	(A) the Committee on Commerce, Science,
20	and Transportation of the Senate;
21	(B) the Committee on Transportation and
22	Infrastructure of the House of Representatives;
23	and
24	(C) the Secretary.

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(2) FORCE OF LAW.—The maps and legal de scriptions filed under paragraph (1) shall have the
 same force and effect as if included in this Act, ex cept that the Commandant may correct any errors
 in the maps and legal descriptions.

6 (3) AVAILABILITY.—Each map and legal de7 scription filed under paragraph (1) shall be on file
8 and available for public inspection in the appropriate
9 office of the Department of the Interior.

10 (e) EASEMENTS.—The Coast Guard may retain ease-11 ments on, or other property interests as may be necessary 12 in, the land described in subsection (b) to operate, main-13 tain, relocate, install, improve, replace, or remove any aid 14 to navigation located on the land as may be required by 15 the Coast Guard.

(f) TRIBAL FISHING RIGHTS.—No fishing rights of
the Tribes that are in existence on the date of enactment
of this Act shall be enlarged, impaired, or otherwise affected by the transfer of administrative jurisdiction under
subsection (a).

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