

## Union Calendar No. 141

115TH CONGRESS  
1ST SESSION

# H. R. 1306

[Report No. 115-204]

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

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### 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 11, 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 Council 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.





Union Calendar No. 141

115<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 1306**

[Report No. 115-204]

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**A BILL**

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