

115TH CONGRESS
1ST SESSION

S. 508

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

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.

1 **TITLE I—COW CREEK UMPQUA** 2 **LAND CONVEYANCE**

3 **SEC. 101. DEFINITIONS.**

4 In this title:

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

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

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

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

15 (a) IN GENERAL.—Subject to valid existing rights,
 16 including rights-of-way, all right, title, and interest of the
 17 United States in and to the Council Creek land, including
 18 any improvements located on the land, appurtenances to

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

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

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

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

10 (c) EFFECTIVE DATE.—Subsection (a) shall take ef-
11 fect on the day after the date on which the Secretary
12 records the agreement entered into under section
13 104(d)(1).

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

15 (a) IN GENERAL.—As soon as practicable after the
16 date of enactment of this Act, the Secretary shall file a
17 map and legal description of the Council Creek land
18 with—

19 (1) the Committee on Energy and Natural Re-
20 sources of the Senate; and

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

23 (b) FORCE AND EFFECT.—The map and legal de-
24 scription filed under subsection (a) shall have the same
25 force and effect as if included in this title, except that

1 the Secretary may correct any clerical or typographical er-
 2 rors in the map or legal description.

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

7 **SEC. 104. ADMINISTRATION.**

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

12 (b) PROHIBITIONS.—

13 (1) EXPORTS OF UNPROCESSED LOGS.—Fed-
 14 eral law (including regulations) relating to the ex-
 15 port of unprocessed logs harvested from Federal
 16 land shall apply to any unprocessed logs that are
 17 harvested from the Council Creek land.

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

23 (c) FOREST MANAGEMENT.—Any forest management
 24 activity that is carried out on the Council Creek land shall

1 be managed in accordance with all applicable Federal
2 laws.

3 (d) AGREEMENTS.—

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

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

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

18 (B) CONTINUED ACCESS.—Beginning on
19 the date on which the Council Creek land is
20 taken into trust under section 102, the Tribe
21 shall continue the access provided by the agree-
22 ments referred to in subparagraph (A) in per-
23 petuity.

24 (e) LAND USE PLANNING REQUIREMENTS.—Except
25 as provided in subsection (c), once the Council Creek land

1 is taken into trust under section 102, the Council Creek
 2 land shall not be subject to the land use planning require-
 3 ments of the Federal Land Policy and Management Act
 4 of 1976 (43 U.S.C. 1701 et seq.) or the Act of August
 5 28, 1937 (43 U.S.C. 1181a et seq.).

6 **SEC. 105. LAND RECLASSIFICATION.**

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

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

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

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

24 (c) MAPS.—Not later than 3 years after the date of
 25 enactment of this Act, the Secretary shall submit to Con-

gress and publish in the Federal Register one or more maps depicting the land identified in subsections (a) and (b).

(d) RECLASSIFICATION.—

(1) IN GENERAL.—After providing an opportunity for public comment, the Secretary shall reclassify the land identified in subsection (b) as Oregon and California Railroad grant land.

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

TITLE II—OREGON COASTAL LAND CONVEYANCE

SEC. 201. DEFINITIONS.

In this title:

(1) CONFEDERATED TRIBES.—The term “Confederated Tribes” means the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians.

(2) OREGON COASTAL LAND.—The term “Oregon Coastal land” means the approximately 14,742 acres of land, as generally depicted on the map entitled “Oregon Coastal Land Conveyance” and dated July 11, 2016.

1 (3) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

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

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

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

12 (2) part of the reservation of the Confederated
13 Tribes.

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

18 (c) EFFECTIVE DATE.—Subsection (a) shall take ef-
19 fect on the day after the date on which the Secretary
20 records the agreement entered into under section
21 204(d)(1).

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

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

1 map and legal description of the Oregon Coastal 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. 204. ADMINISTRATION.**

17 (a) IN GENERAL.—Unless expressly provided in this
18 title, nothing in this title affects any right or claim of the
19 Confederated Tribes existing on the date of enactment of
20 this Act to any 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
25 land shall apply to any unprocessed logs that are

1 harvested from the Oregon Coastal land taken into
2 trust under section 202.

3 (2) NON-PERMISSIBLE USE OF LAND.—Any real
4 property taken into trust under section 202 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 Oregon Coastal land
10 shall 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 Con-
17 federated Tribes that secures existing administrative
18 access by the Secretary to the Oregon Coastal land
19 and that provides for—

20 (A) access for certain activities, includ-
21 ing—

22 (i) forest management;

23 (ii) timber and rock haul;

24 (iii) road maintenance;

1 (iv) wildland fire protection and man-
2 agement;

3 (v) cadastral surveys;

4 (vi) wildlife, cultural, and other sur-
5 veys; and

6 (vii) law enforcement activities;

7 (B) the management of the Oregon Coastal
8 land that is acquired or developed under chap-
9 ter 2003 of title 54, United States Code, con-
10 sistent with section 200305(f)(3) of that title;
11 and

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

24 (2) RECIPROCAL RIGHT-OF-WAY AGREE-
25 MENTS.—

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

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

13 (e) LAND USE PLANNING REQUIREMENTS.—Except
 14 as provided in subsection (c), once the Oregon Coastal
 15 land is taken into trust under section 202, the Oregon
 16 Coastal land shall not be subject to the land use planning
 17 requirements of the Federal Land Policy and Management
 18 Act of 1976 (43 U.S.C. 1701 et seq.) or the Act of August
 19 28, 1937 (43 U.S.C. 1181a et seq.).

20 **SEC. 205. LAND RECLASSIFICATION.**

21 (a) IDENTIFICATION OF OREGON AND CALIFORNIA
 22 RAILROAD GRANT LAND.—Not later than 180 days after
 23 the date of enactment of this Act, the Secretary of Agri-
 24 culture and the Secretary shall identify any Oregon and
 25 California Railroad grant land that is held in trust by the

1 United States for the benefit of the Confederated Tribes
2 under section 202.

3 (b) IDENTIFICATION OF PUBLIC DOMAIN LAND.—

4 Not later than 2 years after the date of enactment of this
5 Act, the Secretary shall identify public domain land in the
6 State of Oregon that—

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

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

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

18 (d) RECLASSIFICATION.—

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

23 (2) APPLICABILITY.—The Act of August 28,
24 1937 (43 U.S.C. 1181a et seq.), shall apply to land

1 reclassified as Oregon and California Railroad grant
 2 land under paragraph (1).

3 **TITLE III—AMENDMENTS TO**
 4 **COQUILLE RESTORATION ACT**

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

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

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

11 “(5) MANAGEMENT.—

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

18 “(B) ADMINISTRATION.—

19 “(i) UNPROCESSED LOGS.—Unproc-
 20 essed logs harvested from the Coquille For-
 21 est shall be subject to the same Federal
 22 statutory restrictions on export to foreign
 23 nations that apply to unprocessed logs har-
 24 vested from Federal land.

- 1 “(ii) SALES OF TIMBER.—Notwith-
2 standing any other provision of law, all
3 sales of timber from land subject to this
4 subsection shall be advertised, offered, and
5 awarded according to competitive bidding
6 practices, with sales being awarded to the
7 highest responsible bidder.”;
8 (2) by striking paragraph (9); and
9 (3) by redesignating paragraphs (10) through
10 (12) as paragraphs (9) through (11), respectively.

○