

114TH CONGRESS
1ST SESSION

H. R. 2791

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

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.

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

3 **SEC. 101. SHORT TITLE.**

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

6 **SEC. 102. DEFINITIONS.**

7 In this title:

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

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

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

1 **SEC. 103. CONVEYANCE.**

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 1 year after the date
12 of enactment of this Act, the Secretary shall complete a
13 survey of the boundary lines to establish the boundaries
14 of the land taken into trust under subsection (a).

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

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

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

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

24 (b) FORCE AND EFFECT.—The map and legal de-
25 scription filed under subsection (a) shall have the same
26 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. 105. 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 103 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 **SEC. 106. LAND RECLASSIFICATION.**

4 (a) IDENTIFICATION OF OREGON AND CALIFORNIA
5 RAILROAD GRANT LAND.—Not later than 180 days after
6 the date of enactment of this Act, the Secretary of Agri-
7 culture and the Secretary shall identify any Oregon and
8 California Railroad grant land that is held in trust by the
9 United States for the benefit of the Tribe under section
10 103.

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

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

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

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

25 (d) RECLASSIFICATION.—

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

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

9 **TITLE II—COQUILLE FOREST** 10 **FAIRNESS**

11 **SEC. 201. SHORT TITLE.**

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

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

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

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

19 “(5) MANAGEMENT.—

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

1 “(B) ADMINISTRATION.—

2 “(i) UNPROCESSED LOGS.—Unproc-
 3 essed logs harvested from the Coquille For-
 4 est shall be subject to the same Federal
 5 statutory restrictions on export to foreign
 6 nations that apply to unprocessed logs har-
 7 vested from Federal land.

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

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

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

18 **TITLE III—OREGON COASTAL** 19 **LANDS**

20 **SEC. 301. SHORT TITLE.**

21 This title may be cited as the “Oregon Coastal Lands
 22 Act”.

23 **SEC. 302. DEFINITIONS.**

24 In this title:

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

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

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

11 **SEC. 303. CONVEYANCE.**

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

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

20 (2) part of the reservation of the Confederated
21 Tribes.

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

1 **SEC. 304. 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 Oregon Coastal 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. 305. ADMINISTRATION.**

20 (a) IN GENERAL.—Unless expressly provided in this
21 title, nothing in this title affects any right or claim of the
22 Confederated Tribes existing on the date of enactment of
23 this Act to any 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 Oregon Coastal land taken into
4 trust under section 303.

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

10 (c) LAWS APPLICABLE TO COMMERCIAL FORESTRY
11 ACTIVITY.—Any commercial forestry activity that is car-
12 ried out on the Oregon Coastal land taken into trust under
13 section 303 shall be managed in accordance with all appli-
14 cable Federal laws.

15 (d) AGREEMENTS.—The Confederated Tribes shall
16 consult with the Secretary and other parties as necessary
17 to develop agreements to provide for access to the Oregon
18 Coastal land taken into trust under section 303 that pro-
19 vide for—

20 (1) honoring existing reciprocal right-of-way
21 agreements;

22 (2) administrative access by the Bureau of
23 Land Management; and

24 (3) management of the Oregon Coastal lands
25 that are acquired or developed under chapter 2003

1 of title 54, United States Code (commonly known as
2 the “Land and Water Conservation Fund Act of
3 1965”), consistent with section 200305(f)(3) of that
4 title.

5 (e) LAND USE PLANNING REQUIREMENTS.—Except
6 as provided in subsection (c), once the Oregon Coastal
7 land is taken into trust under section 303, the land shall
8 not be subject to the land use planning requirements of
9 the Federal Land Policy and Management Act of 1976
10 (43 U.S.C. 1701 et seq.) or the Act of August 28, 1937
11 (43 U.S.C. 1181a et seq.).

12 **SEC. 306. LAND RECLASSIFICATION.**

13 (a) IDENTIFICATION OF OREGON AND CALIFORNIA
14 RAILROAD GRANT LAND.—Not later than 180 days after
15 the date of enactment of this Act, the Secretary of Agri-
16 culture and the Secretary shall identify any Oregon and
17 California Railroad grant land that is held in trust by the
18 United States for the benefit of the Confederated Tribes
19 under section 303.

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

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