

Union Calendar No. 562

110TH CONGRESS
2D SESSION

H. R. 6370

[Report No. 110-865]

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

SEPTEMBER 22, 2008

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **COMMANDANT.**—The term “Commandant”
4 means the Commandant of the Coast Guard.

5 (2) **LIGHT STATION.**—The term “Light Sta-
6 tion” means the Cape Arago Light Station on
7 Chief’s Island in the State of Oregon.

8 (3) **MAPS.**—The term “maps” means the maps
9 filed under section 3(d).

10 (4) **SECRETARY.**—The term “Secretary” means
11 the Secretary of the Interior.

12 (5) **TRIBES.**—The Term “Tribes” means the
13 Confederated Tribes of the Coos, Lower Umpqua,
14 and Siuslaw Indians in the State of Oregon.

15 **SEC. 3. TRANSFER OF ADMINISTRATIVE JURISDICTION.**

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

22 (b) **DESCRIPTION OF LAND.**—The Federal land re-
23 ferred to in subsection (a) consists of the parcels of Coast
24 Guard land (including any improvements to the land) com-
25 prising approximately 24 acres, located in Coos County,

1 Oregon, in the areas commonly know as “Gregory Point”
2 and “Chief’s Island”, as depicted on the maps.

3 (c) CONDITIONS.—

4 (1) COMPLIANCE WITH APPLICABLE LAW.—Be-
5 fore completing the transfer of administrative juris-
6 diction under subsection (a), the Commandant shall
7 execute any actions required to comply with applica-
8 ble environmental and cultural resources laws.

9 (2) TRUST STATUS.—On transfer of adminis-
10 trative jurisdiction over the land under subsection
11 (a), the land transferred to the Secretary shall be—

12 (A) held in trust by the United States for
13 the Tribes; and

14 (B) included in the reservation of the
15 Tribes.

16 (3) MAINTENANCE OF CAPE ARAGO LIGHT STA-
17 TION.—

18 (A) IN GENERAL.—The transfer of admin-
19 istrative jurisdiction over the Light Station
20 under subsection (a) shall be subject to the con-
21 ditions that the Tribes—

22 (i) shall—

23 (I) use, and make reasonable ef-
24 forts to maintain, the Light Station in
25 accordance with—

1 (aa) the National Historic
2 Preservation Act (16 U.S.C. 470
3 et seq.);

4 (bb) the Secretary of the In-
5 terior's Standards for the Treat-
6 ment of Historic Properties
7 under part 68 of title 36, Code of
8 Federal Regulations; and

9 (cc) any other applicable
10 laws; and

11 (II) submit any proposed changes
12 to the Light Station for review and
13 approval by the Secretary, in con-
14 sultation with the Oregon State His-
15 toric Preservation Officer, if the Sec-
16 retary determines that the changes
17 are consistent with—

18 (aa) section 800.5(a)(2)(vii)
19 of title 36, Code of Federal Reg-
20 ulations; and

21 (bb) the Secretary of the In-
22 terior's Standards for Rehabilita-
23 tion under section 67.7 of title
24 36, Code of Federal Regulations;

1 (ii) shall make the Light Station
2 available to the general public for edu-
3 cational, park, recreational, cultural, or
4 historic preservation purposes at times and
5 under conditions determined to be reason-
6 able by the Secretary;

7 (iii) shall not—

8 (I) sell, convey, assign, exchange,
9 or encumber the Cape Arago Light
10 Station (or any part of the Light Sta-
11 tion) or any associated historic arti-
12 fact conveyed in conjunction with the
13 transfer under subsection (a), unless
14 the sale, conveyance, assignment, ex-
15 change, or encumbrance is approved
16 by Secretary; or

17 (II) conduct any commercial ac-
18 tivities at the Cape Arago Light Sta-
19 tion (or any part of the Light Station)
20 or in connection with any historic arti-
21 fact conveyed in conjunction with the
22 transfer under subsection (a) in any
23 manner, unless the commercial activi-
24 ties are approved by the Secretary;
25 and

1 (iv) shall allow the United States, at
2 any time, to enter the Light Station with-
3 out notice, for purposes of ensuring com-
4 pliance with this section, to the extent that
5 it is not practicable to provide advance no-
6 tice.

7 (B) REVERSION.—If the Tribes fail to
8 meet any condition described in subparagraph
9 (A), the Light Station, or any associated his-
10 toric artifact conveyed in conjunction with the
11 transfer under subsection (a), shall, at the op-
12 tion of the Secretary—

13 (i) revert to the United States; and

14 (ii) be placed under the administrative
15 control of the Secretary.

16 (d) MAPS AND LEGAL DESCRIPTIONS.—

17 (1) IN GENERAL.—As soon as practicable after
18 the date of enactment of this Act, the Commandant
19 shall file the maps entitled “Confederated Tribes of
20 the Coos, Lower Umpqua, and Siuslaw Land Trans-
21 fer Maps” and legal descriptions of the parcels to be
22 transferred under subsection (a) with—

23 (A) the Committee on Commerce, Science,
24 and Transportation of the Senate;

1 (B) the Committee on Transportation and
2 Infrastructure of the House of Representatives;
3 and

4 (C) the Secretary.

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

10 (3) AVAILABILITY.—Each map and legal de-
11 scription filed under paragraph (1) shall be on file
12 and available for public inspection in the appropriate
13 office of the Department of the Interior.

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

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

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