

110TH CONGRESS  
2D SESSION

# S. 3194

To transfer surplus Federal land administered by the Coast Guard in the State of Oregon.

---

IN THE SENATE OF THE UNITED STATES

JUNE 25, 2008

Mr. SMITH (for himself and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

---

## A BILL

To transfer surplus Federal land administered by the Coast Guard in the State of Oregon.

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.

1           (2) LIGHT STATION.—The term “Light Sta-  
2           tion” means the Cape Arago Light Station on  
3           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.**

12          (a) IN GENERAL.—As soon as practicable after the  
13          date of enactment of this Act and subject to subsection  
14          (c), the Commandant shall transfer to the Secretary, to  
15          hold in trust for the benefit of the Tribes, administrative  
16          jurisdiction over the Federal land described in subsection  
17          (b).

18          (b) DESCRIPTION OF LAND.—The Federal land re-  
19          ferred to in subsection (a) consists of the parcels of Coast  
20          Guard land (including any improvements to the land) com-  
21          prising approximately 24 acres, located in Coos County,  
22          Oregon, in the areas commonly known as “Gregory Point”  
23          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.);

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.

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

6           (3) AVAILABILITY.—Each map and legal de-  
7           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 or other property interests as may be necessary  
12          across the property described in subsection (b) to operate,  
13          maintain, relocate, install, improve, replace, or remove any  
14          aid to navigation located on the land for such period as  
15          the aid to navigation may be required by the Coast Guard.

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

○