

115TH CONGRESS  
1ST SESSION

# H. R. 1306

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Western Oregon Tribal Fairness Act”.

4 (b) TABLE OF CONTENTS.—The table of contents for  
5 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.

6 **TITLE I—COW CREEK UMPQUA**  
7 **LAND CONVEYANCE**

8 **SEC. 101. DEFINITIONS.**

9 In this title:

10 (1) COUNCIL CREEK LAND.—The term “Council  
11 Creek land” means the approximately 17,519 acres  
12 of land, as generally depicted on the map entitled  
13 “Canyon Mountain Land Conveyance” and dated  
14 May 24, 2016.

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

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

3 **SEC. 102. 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 Council Creek land, including  
7 any improvements located on the land, appurtenances to  
8 the land, and minerals on or in the land, including oil and  
9 gas, shall be—

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

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

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

17           (c) EFFECTIVE DATE.—Subsection (a) shall take ef-  
18 fect on the day after the date on which the Secretary  
19 records the agreement entered into under section  
20 104(d)(1).

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

22           (a) IN GENERAL.—As soon as practicable after the  
23 date of enactment of this Act, the Secretary shall file a  
24 map and legal description of the Council Creek land  
25 with—

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

3           (2) the Committee on Natural Resources of the  
4           House of Representatives.

5           (b) **FORCE AND EFFECT.**—The map and legal de-  
6           scription filed under subsection (a) shall have the same  
7           force and effect as if included in this title, except that  
8           the Secretary may correct any clerical or typographical er-  
9           rors in the map or legal description.

10          (c) **PUBLIC AVAILABILITY.**—The map and legal de-  
11          scription filed under subsection (a) shall be on file and  
12          available for public inspection in the Office of the Sec-  
13          retary.

14          **SEC. 104. ADMINISTRATION.**

15          (a) **IN GENERAL.**—Unless expressly provided in this  
16          title, nothing in this title affects any right or claim of the  
17          Tribe existing on the date of enactment of this Act to any  
18          land or interest in land.

19          (b) **PROHIBITIONS.**—

20                 (1) **EXPORTS OF UNPROCESSED LOGS.**—Fed-  
21                 eral law (including regulations) relating to the ex-  
22                 port of unprocessed logs harvested from Federal  
23                 land shall apply to any unprocessed logs that are  
24                 harvested from the Council Creek land.

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

6           (c) FOREST MANAGEMENT.—Any forest management  
7           activity that is carried out on the Council Creek land shall  
8           be managed in accordance with all applicable Federal  
9           laws.

10          (d) AGREEMENTS.—

11           (1) MEMORANDUM OF AGREEMENT FOR ADMIN-  
12           ISTRATIVE ACCESS.—Not later than 180 days after  
13           the date of enactment of this Act, the Secretary  
14           shall seek to enter into an agreement with the Tribe  
15           that secures existing administrative access by the  
16           Secretary to the Council Creek land.

17           (2) RECIPROCAL RIGHT-OF-WAY AGREE-  
18           MENTS.—

19           (A) IN GENERAL.—On the date on which  
20           the agreement is entered into under paragraph  
21           (1), the Secretary shall provide to the Tribe all  
22           reciprocal right-of-way agreements to the Coun-  
23           cil Creek land in existence as of the date of en-  
24           actment of this Act.

1           (B) CONTINUED ACCESS.—Beginning on  
2           the date on which the Council Creek land is  
3           taken into trust under section 102, the Tribe  
4           shall continue the access provided by the agree-  
5           ments referred to in subparagraph (A) in per-  
6           petuity.

7           (e) LAND USE PLANNING REQUIREMENTS.—Except  
8           as provided in subsection (c), once the Council Creek land  
9           is taken into trust under section 102, the Council Creek  
10          land shall not be subject to the land use planning require-  
11          ments of the Federal Land Policy and Management Act  
12          of 1976 (43 U.S.C. 1701 et seq.) or the Act of August  
13          28, 1937 (43 U.S.C. 1181a et seq.).

14          **SEC. 105. LAND RECLASSIFICATION.**

15          (a) IDENTIFICATION OF OREGON AND CALIFORNIA  
16          RAILROAD GRANT LAND.—Not later than 180 days after  
17          the date of enactment of this Act, the Secretary of Agri-  
18          culture and the Secretary shall identify any Oregon and  
19          California Railroad grant land that is held in trust by the  
20          United States for the benefit of the Tribe under section  
21          102.

22          (b) IDENTIFICATION OF PUBLIC DOMAIN LAND.—  
23          Not later than 2 years after the date of enactment of this  
24          Act, the Secretary shall identify public domain land in the  
25          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 within the 18 western Oregon and  
5           California Railroad grant land counties (other than  
6           Klamath County, Oregon).

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

12          (d) RECLASSIFICATION.—

13           (1) IN GENERAL.—After providing an oppor-  
14           tunity for public comment, the Secretary shall re-  
15           classify the land identified in subsection (b) as Or-  
16           regon and California Railroad grant land.

17           (2) APPLICABILITY.—The Act of August 28,  
18           1937 (43 U.S.C. 1181a et seq.), shall apply to land  
19           reclassified as Oregon and California Railroad grant  
20           land under paragraph (1).

## 21           **TITLE II—OREGON COASTAL** 22           **LAND CONVEYANCE**

### 23           **SEC. 201. 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           regon Coastal land” means the approximately 14,742  
6           acres of land, as generally depicted on the map enti-  
7           tled “Oregon Coastal Land Conveyance” and dated  
8           July 11, 2016.

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

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

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 2 years after the date  
23          of enactment of this Act, the Secretary shall complete a  
24          survey to establish the boundaries of the land taken into  
25          trust under subsection (a).

1 (c) EFFECTIVE DATE.—Subsection (a) shall take ef-  
2 fect on the day after the date on which the Secretary  
3 records the agreement entered into under section  
4 204(d)(1).

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

6 (a) IN GENERAL.—As soon as practicable after the  
7 date of enactment of this Act, the Secretary shall file a  
8 map and legal description of the Oregon Coastal land  
9 with—

10 (1) the Committee on Energy and Natural Re-  
11 sources of the Senate; and

12 (2) the Committee on Natural Resources of the  
13 House of Representatives.

14 (b) FORCE AND EFFECT.—The map and legal de-  
15 scription filed under subsection (a) shall have the same  
16 force and effect as if included in this title, except that  
17 the Secretary may correct any clerical or typographical er-  
18 rors in the map or legal description.

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

23 **SEC. 204. ADMINISTRATION.**

24 (a) IN GENERAL.—Unless expressly provided in this  
25 title, nothing in this title affects any right or claim of the

1 Confederated Tribes existing on the date of enactment of  
2 this Act to any land or interest in land.

3 (b) PROHIBITIONS.—

4 (1) EXPORTS OF UNPROCESSED LOGS.—Federal  
5 eral law (including regulations) relating to the ex-  
6 port of unprocessed logs harvested from Federal  
7 land shall apply to any unprocessed logs that are  
8 harvested from the Oregon Coastal land taken into  
9 trust under section 202.

10 (2) NON-PERMISSIBLE USE OF LAND.—Any real  
11 property taken into trust under section 202 shall not  
12 be eligible, or used, for any gaming activity carried  
13 out under Public Law 100–497 (25 U.S.C. 2701 et  
14 seq.).

15 (c) FOREST MANAGEMENT.—Any forest management  
16 activity that is carried out on the Oregon Coastal land  
17 shall be managed in accordance with all applicable Federal  
18 laws.

19 (d) AGREEMENTS.—

20 (1) MEMORANDUM OF AGREEMENT FOR ADMIN-  
21 ISTRATIVE ACCESS.—Not later than 180 days after  
22 the date of enactment of this Act, the Secretary  
23 shall seek to enter into an agreement with the Con-  
24 federated Tribes that secures existing administrative

1 access by the Secretary to the Oregon Coastal land  
2 and that provides for—

3 (A) access for certain activities, includ-  
4 ing—

5 (i) forest management;

6 (ii) timber and rock haul;

7 (iii) road maintenance;

8 (iv) wildland fire protection and man-  
9 agement;

10 (v) cadastral surveys;

11 (vi) wildlife, cultural, and other sur-  
12 veys; and

13 (vii) law enforcement activities;

14 (B) the management of the Oregon Coastal  
15 land that is acquired or developed under chap-  
16 ter 2003 of title 54, United States Code, con-  
17 sistent with section 200305(f)(3) of that title;  
18 and

19 (C) the terms of public vehicular transit  
20 across the Oregon Coastal land to and from the  
21 Hult Log Storage Reservoir located in T. 15 S.,  
22 R. 7 W., as generally depicted on the map de-  
23 scribed in section 201(2), subject to the re-  
24 quirement that if the Bureau of Land Manage-  
25 ment discontinues maintenance of the public

1 recreation site known as “Hult Reservoir”, the  
2 terms of any agreement in effect on that date  
3 that provides for public vehicular transit to and  
4 from the Hult Log Storage Reservoir shall be  
5 void.

6 (2) RECIPROCAL RIGHT-OF-WAY AGREE-  
7 MENTS.—

8 (A) IN GENERAL.—On the date on which  
9 the agreement is entered into under paragraph  
10 (1), the Secretary shall provide to the Confed-  
11 erated Tribes all reciprocal right-of-way agree-  
12 ments to the Oregon Coastal land in existence  
13 on the date of enactment of this Act.

14 (B) CONTINUED ACCESS.—Beginning on  
15 the date on which the Oregon Coastal land is  
16 taken into trust under section 202, the Confed-  
17 erated Tribes shall continue the access provided  
18 by the reciprocal right-of-way agreements re-  
19 ferred to in subparagraph (A) in perpetuity.

20 (e) LAND USE PLANNING REQUIREMENTS.—Except  
21 as provided in subsection (c), once the Oregon Coastal  
22 land is taken into trust under section 202, the Oregon  
23 Coastal land shall not be subject to the land use planning  
24 requirements of the Federal Land Policy and Management

1 Act of 1976 (43 U.S.C. 1701 et seq.) or the Act of August  
2 28, 1937 (43 U.S.C. 1181a et seq.).

3 **SEC. 205. 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 Confederated Tribes  
10 under section 202.

11 (b) IDENTIFICATION OF PUBLIC DOMAIN LAND.—  
12 Not later than 2 years after the date of enactment of this  
13 Act, the Secretary shall identify public domain land in the  
14 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 within the 18 western Oregon and  
19 California Railroad grant land counties (other than  
20 Klamath County, Oregon).

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

1 (d) RECLASSIFICATION.—

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

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

10 **TITLE III—AMENDMENTS TO**  
11 **COQUILLE RESTORATION ACT**

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

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

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

18 “(5) MANAGEMENT.—

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

25 “(B) ADMINISTRATION.—

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

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

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

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

Passed the House of Representatives July 11, 2017.

Attest:

*Clerk.*

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

**H. R. 1306**

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**AN ACT**

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